Chapter 21: Grievances

1. About this Chapter

1.1 This chapter outlines what happens if you have a grievance against the House. It explains:

- how to raise a grievance
- the informal procedures for resolving your grievance
- the formal procedures to follow if the grievance cannot be resolved informally
- who is involved in helping you to resolve your grievance and their role

2. Introduction

2.1 Managers and staff are expected to make every effort to resolve grievances informally, as described in section 3 below. Managers will take a proactive approach to tackling any grievance in consultation with HR where necessary. However, if your grievance is not resolved informally you may use the formal procedures, which are explained in section 4 below.

2.2 Managers and staff may ask for advice at any stage from HR Advice Services or the Diversity and Inclusion team.

2.3 You may use the grievance procedures if your complaint is about a management decision, about a management act or failure to act which affects you, your workplace relations with other employees or people working at the House of Commons under external contract arrangements. This includes behaviours which do not constitute harassment, bullying or sexual misconduct but are in breach of the Behaviour Code and behaviours which may constitute victimisation in relation to a complaint that has been raised in the past.

2.4 It is likely to be more difficult to resolve a grievance if it is raised long after the event(s) giving rise to it.

Other dedicated policies and procedures

2.5 There are other dedicated policies and procedures to follow if your concern or complaint relates to one of the areas below:

- **Your concern is about health and safety:** raise it first with your Line Manager and after that with the Health and Safety Co-ordinator, in accordance with the health and safety policy guidelines in chapter 5. You may also seek advice from the Parliamentary Health and Wellbeing Service (PHWS) or the Safety Team.

- **You want to complain about harassment, bullying or sexual misconduct:** you should use the dedicated procedures in chapter 6.

- **You have concerns about the storage, collection, use or disclosure of personal information about you:** you should write to the person who holds the information
about you. If you are unsure who to contact you should speak to your Line Manager or HR Adviser. If you do not receive a satisfactory response, write to the relevant data protection representative. More information is available in chapter 24.

- You have concerns about what is or may be happening to a child or vulnerable adult whilst on the Parliamentary estate: you should use the Safeguarding Children and Vulnerable Adults policy and guidance (PDF 344 KB) available on the intranet.

Departure from the grievance process

2.6 The grievance process is a formal process designed to respond to problems raised by employees. Generally, Managers should not depart from the process. However, there could be circumstances where a particular case does not lend itself to following the procedures as described. In such limited circumstances and only in prior consultation with HR and with the member of staff, if that is reasonably possible, some variation may be justified. This would simply be an alternative method of reaching an outcome and must align as much as possible with the grievance process and protect the rights of the employee.

Relationship with other processes

2.7 The grievance process should not normally be used by employees who feel that during another process (such as the disciplinary or poor performance processes) a decision has been unfair. Employees can raise those sorts of issues at meetings in those processes or appeal decisions if they feel those processes have not been applied fairly to them. Where an appeals process is embedded in a procedure you must use that process instead of the grievance procedure.

3. Stage One: Informal Grievance Procedures

3.1 Grievances can often be resolved quickly and informally through discussion with managers, and you are expected to try to resolve matters informally before resorting to formal procedures if required.

3.2 You are encouraged, if possible, to talk directly, politely and objectively with the person with whom you have a grievance. It may be sufficient to explain clearly to the person the nature of your grievance and how it impacts on you.

3.3 You can also try and resolve the problem informally by asking your Line Manager for help. They can discuss your concerns in confidence with you, make discreet enquiries if required and attempt to resolve the matter by talking to the individual on your behalf. Both you and your Line Manager may find it helpful to keep a note of any discussions.

3.4 If it is not possible to approach your Line Manager because the grievance is with them you should approach your countersigning officer who is normally your Line Manager’s manager or raise the issue with an HR Adviser.

3.5 You may also wish to speak with your Trade Union Representative for help in resolving matters informally.
Counselling or mediation

3.6 Managers and employees should follow the process set out in the sections below when dealing with problems and complaints. However, workplace counselling or mediation may help resolve the problem and should be considered at any stage of the process. Any further grievance procedure should only be considered after any agreed counselling or mediation has taken place.

3.7 Counselling is likely to be appropriate when someone is experiencing personal, domestic or welfare problems. Such problems, whether they are at home or at work, can affect an employee’s workplace relations with their colleagues. An Employee Assistance Programme (EAP), which offers confidential counselling and support to staff, is provided to help.

3.8 Mediation is likely to be appropriate in cases involving workplace disagreement. There may, however, be other circumstances in which non-adversarial discussions may promote a speedy resolution.

3.9 Mediation is voluntary and will take place only if all the parties agree. It is hoped, however, that staff will recognise the benefits of seeking to resolve issues via mediation and will be amenable to, and co-operate with, this approach.

3.10 For more information on counselling, please contact our Employee Assistance Provider (EAP), Health Assured on 0800 030 5182 or through their online portal. For more information on mediation, please contact the Diversity and Inclusion team on ext. 2948 (email diversity@parliament.uk). More information about our EAP or mediation is on the Intranet at:

- Employee Assistance Programme
- Mediation

4. Stage Two: Formal Grievance Procedures

Making a formal, written grievance

4.1 If the issue continues, or it is not possible to resolve your grievance informally, you should raise the matter formally and without unreasonable delay. You should do this by putting the grievance in writing to your Line Manager. You should include what you would like the outcome to be. You can ask a colleague or your Trade Union Representative to help you with your letter and/or to attend any follow-up meeting or hearing.

4.2 If your grievance is about your workplace relations with your Line Manager or a decision made by your Line Manager, you should put your grievance in writing to your Line Manager’s manager. If that individual is also implicated, you should put your grievance in writing to the Human Resources Director. An appropriate manager will then be identified to deal with your grievance.
4.3 If your grievance is against a Head of Office or Managing Director, the Clerk of the House will either consider it himself or arrange for it to be considered by another member of The Board.

4.4 If your grievance relates to a specific person, the individual involved will be informed in writing of the nature of the complaint and will be given the opportunity to submit a response.

**Right to be accompanied at formal meetings**

4.5 Managers should note that members of staff have the right to be accompanied by a Trade Union Representative or fellow employee of the House of Commons during paid working hours for any interview or hearing which forms part of the formal grievance procedure.

**Role of the Trade Union Representative or fellow employee**

4.6 If you wish a Trade Union Representative or fellow employee to attend a formal interview with you, they may:

- put your case
- sum up your case
- respond on your behalf to any view expressed at the hearing
- confer with you during the hearing

They may not:

- answer questions on your behalf
- address the hearing if you do not wish them to do so
- prevent your employer from explaining their case

**Preliminary steps**

4.7 Your Line Manager will take the necessary steps to try to resolve the grievance. In order to do this, they may:

- discuss the matter with you to find out more about your grievance
- make further enquiries
- conduct an investigation into the background facts or into the allegations. Any evidence gathered will normally be done so in line with the guidance on evidence used in investigations.

**Grievance hearings**

4.8 Within 14 calendar days of receipt of your grievance, your Line Manager will invite you to a grievance hearing. The purpose of the grievance hearing is to listen to the employee’s grievance and go through the issues with them. The Line Manager may be advised by a representative from People and Culture.

4.9 The Line Manager will:
• give you a minimum of seven calendar days’ notice, in writing, of any hearing, unless all parties agree to a shorter period
• if your grievance is against a specific person, inform them of your grievance and give them an opportunity to respond

4.10 You have a right to be accompanied by a Trade Union Representative or a colleague from the House of Commons Service at this meeting. See paragraph 4.6 on their role at the meeting.

4.11 If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than seven calendar days) so you can make further arrangements.

4.12 An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken by either the HR representative or another member of staff.

4.13 The formal meeting record will be placed on your personal file and a copy given to you.

4.14 If the Line Manager determines that further investigation is not necessary, then they may adjourn the meeting to consider what was said at it before making a decision. In that event, they will notify you in writing of their decision, the reason for their decision and your right to appeal.

4.15 If the Line Manager determines that further information or a formal investigation is necessary, then they will adjourn or postpone the meeting. The Manager will keep you informed of progress. They may need to meet with you again.

Formal Investigation

4.16 If an investigation is appropriate the Line Manager will normally conduct it or appoint someone else to do it. Exceptionally, the investigation may be conducted by an external investigator. If your grievance relates to a specific person, then your Line Manager will write to the individual and inform them of the nature of your complaint. The individual will be given an opportunity to submit a response. Any evidence gathered will normally be done so in line with the guidance on evidence used in investigations.

4.17 The results of the investigation will be put in an investigation report. The report will be made available to you.

Interviewing witnesses

4.18 Investigating managers may interview you and any possible witnesses. This interview is part of the formal investigation and your evidence may be considered as part of the grievance hearing. You are entitled to be accompanied by a colleague or Trade Union Representative. As a matter of good practice, a note of these interviews will be made and you will be asked to sign the record.

Outcomes
4.19 The manager responsible for hearing the grievance must decide on the outcome of the grievance, in consultation with People and Culture as appropriate. They may:

- not uphold the grievance
- uphold part of the grievance
- uphold all of the grievance

4.20 The manager may:

- recommend some action by a responsible manager
- recommend further action such as training, mediation or counselling

**Notification of decision**

4.21 The manager will give you written notification of their decision within 14 calendar days of the date of the hearing. It will explain the reasons for their decision and, if part or the entire grievance is upheld, it will state the steps that have been or will be taken. The letter will also explain your right to appeal. While confidentiality is of prime importance in handling any grievance, in some circumstances there may be other individuals who may need to know the outcome, or certain aspects of the outcome.

**Right to appeal**

4.22 You have the right to appeal the decision made following the grievance meeting. See section 5 for further information about appeals.

5. **Stage Three: Appeals**

5.1 Grounds for appeal include:

- the decision maker was biased
- the hearing was not fair
- the proper procedures were not followed
- new evidence has come to light

5.2 An appeal against the grievance decision must be made in writing to the decision maker’s manager within seven calendar days of the receipt of written notification of the decision. The appeal, which may be delegated to another appropriate manager, will normally be heard within 14 calendar days unless both parties agree otherwise. If it cannot be done within this timescale, the manager hearing the appeal will let you know of the delay, the reasons for it and the timescale.

5.3 You have a right to be accompanied by a Trade Union Representative or a colleague from the House of Commons Service at this meeting. See section 4 on their role at the meeting.

5.4 If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than seven calendar days) so you can make further arrangements.
5.5 An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken by either the HR representative or another member of staff.

5.6 The formal meeting record will be placed on your personal file and a copy given to you.

5.7 The manager hearing the appeal will consider your grievance and the points you raise at the appeal meeting. They may adjourn the meeting to consider what was said at the meeting and/or to make further enquiries before making their decision.

5.8 Following the appeal meeting, the manager will inform you in writing of their decision and the reasons for it within 14 calendar days of the date of the meeting. The decision made by the manager at this stage is final and there is no further internal right of appeal.

6. Timescales

6.1 If it is not possible to hold a grievance or appeal meeting, or to respond within the set time frames, you will be told the reason for the delay and when a response can be expected.

7. Record Keeping

7.1 All managers who consider grievances are responsible for record keeping. They should ensure that notes are taken of any hearings and copies given to the individual(s) concerned (after any amendments needed to protect the confidentiality of others). Records will be maintained on a central, confidential register. This information will be made available to the Diversity and Inclusion Manager in order that they may fulfil their duties with regard to monitoring grievances by diversity category.

7.2 Records should include:

- the nature of the grievance
- copy of the original written grievance (if any)
- original written response by individual(s) to whom grievance relates, or notes if response was given verbally
- what was decided and actions taken
- the reasons for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments

7.3 The information will be kept securely for a period of six years.

8. Complaints by Former Employees

8.1 If you leave the House of Commons you should have an opportunity to raise issues through the exit interview. If you feel you are unable to raise your grievance through that procedure, you should raise it within three months of leaving.
8.2 A modified process will apply. This involves the former employee putting their complaint in writing and the basis for it. They should send their complaint to the Human Resources Director within the time frame set out above. The complaint will be considered and a response with the decision will be sent to the former employee. This decision is final and there is no further appeal stage.