

Landward Research

GRIEVANCE PROCEDURE



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1 Purpose

A grievance is a concern, problem or complaint which is raised by an staff member if they feel unhappy about an aspect of their work or treatment they have received.

The purpose of this procedure is to provide a mechanism to ensure a fair and consistent approach for all staff members and to set out a process to address an staff member's grievance as quickly and fairly as possible. Every effort should be made by all involved to deal with issues promptly and not cause unreasonable delay.

Many difficulties that arise can be resolved quickly and informally between managers and their staff.

2 Scope

A grievance may be concerned with a wide range of employment related issues.

The grievance procedure should not be used as a substitute for normal day to day discussions.

This policy applies to equally and fully to Landward Research Ltd and to all subsidiary companies of Landward Research Ltd (on 24th June 2021: Landward Research Teoranta, Landward Limited Liability Company and Landward Limited).

2.1 Instances When This Grievance Procedure Will Not Apply:

- Where the complaint is considered to be trivial, frivolous, vexatious or repetitive.
- Where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
- To complaints about allegations of misconduct by another staff member; these will be investigated under the disciplinary procedure.
- To complaints about disciplinary action taken against a staff member; these should be dealt with as an appeal under the disciplinary procedure.
- In relation to an incident which happened more than 3 months previously. However, complaints may be considered which are out of time where there are extenuating circumstances.

3 Key Principles

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures.

- Landward Research believes that all staff members should be treated fairly and with respect.
- High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.
- Managers and staff members should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- The prime focus of managers and staff members raising a grievance should be on resolving the issue informally, without the need for reference to the formal procedure.
- Staff members should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
- The staff member can be accompanied by a colleague or trade union representative throughout the process.
- Mediation should be considered where appropriate at every stage of the procedure including after an appeal has been lodged.
- Neither party is allowed to electronically record meetings held as part of this procedure without prior consent. The use of recording equipment by either party without consent may constitute a disciplinary matter

4 Stage 1: Dealing With Grievances Informally

Attempts should always be made to resolve matters informally and promptly first of all.

If an staff member has a grievance or complaint to do with their work or the people they work with, then they should, wherever possible, start by talking it over with their manager. It may be possible to agree a solution informally.

The focus of informal resolution is on exploring whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar issues arising in future.

If the grievance is against the staff member's manager, the staff member should refer the matter to a more senior manager (or a member of the Board of Directors) who will progress the issue through the informal stage.

There are a number of ways in which grievances can be resolved informally:

4.1 Discussion With The Individual

An informal discussion(s) between the two (or more) individuals is the logical first step and can often result in a quick resolution. Both parties are encouraged to take informal notes during discussions.

4.2 Discussion With The Line Manager

Where a direct approach is considered inappropriate, or it has been attempted and the issue remains unresolved, the staff member may ask their line manager (more senior manager or a member of the Board of Directors) to look into the matter and try to resolve it informally on their behalf.

The relevant manager should allow the staff member to explain the complaint and ask the individual how they would like to see the matter resolved.

Managers should make and retain notes of any issue(s) raised and discussed informally. Notes should include any agreed outcomes, support and timescales for the matter.

The manager should share a copy of any notes made with the complainant(s) and retain notes securely and confidentially in accordance with Data Protection principles.

4.3 Mediation

In some cases mediation may be an appropriate method of resolving grievances during the informal stage. Landward Research will seek to provide a mediation service where appropriate either through a small cohort of internal mediators or

external mediators if necessary. If the latter then any associated cost will be the responsibility of Landward Research.

- Mediation may only be attempted with the agreement of both parties. Any attempt will be unsuccessful if one of the parties feels that they have been coerced into participating.
- The role of a mediator is to act as a neutral party and to try to bring a dispute to an end. The mediator is not there to represent either of the parties but to guide both to a satisfactory outcome. The mediator has no authority to decide the outcome as this is up to both parties and the aim is to reach a settlement that both parties find acceptable and to produce a written agreement.
- It should be noted that if mediation is either rejected or unsuccessful at the informal stage this does not mean that it cannot be revisited again at a later stage in the process if appropriate. In such cases senior management will, if the aggrieved staff member so wishes make arrangements to seek mediation between the parties at all stages of the procedure, including when the formal stage process has begun. HR will advise on how the services of accredited internal/external mediators can be accessed.
- Directors, the manager of either party, trade union representatives or fellow colleagues must not be involved directly in the mediation process in order not to prejudice their position in the event of progression to Stage 2 and Stage 3 of the procedure.
- Where a grievance cannot be resolved successfully at the informal stage, then the individual may proceed to the formal stage of the procedure, subject to this being appropriate (see 2.1)

5 Stage 2: Dealing With Grievances Formally

5.1 Raising A Formal Grievance

If the matter is serious and you wish to raise the matter formally you should set out the grievance in writing to your manager using the Grievance Form (Appendix 1).

The written grievance should outline clearly the basis of the grievance, include evidence, specify the remedies sought, and indicate what might be a reasonable outcome. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against your manager and you feel unable to approach him or her you should talk to another manager or a member of the Board of Directors.

5.2 Grievance Hearing

Managers should consult with Human Resources before proceeding with a formal grievance meeting.

The staff member's manager (or the next level of management/Board member if the immediate manager is involved in the grievance) will arrange a meeting to discuss the matter, to be held without unreasonable delay, and as soon as is reasonably practicable (usually no later than seven calendar days) after the grievance has been received in writing. Where further time is required to consider the evidence or seek further clarification the appropriate manager will inform the staff member of this and the likely timescale involved.

There is a right to be accompanied at the meeting, by a colleague or a trade union representative.

The purpose of the meeting is to give the staff member the opportunity to explain their grievance and to seek a way to resolve it, taking into account policies, procedures and rules and the need for consistency and fairness. The staff member should go to the meeting prepared to fully explain their case and to make clear what outcomes they are seeking to resolve the grievance.

Every effort should be made by all to attend meetings as arranged. Effort will be made to arrange meetings which are mutually acceptable, wherever possible. Where an staff member fails to attend on more than two occasions, Landward Research may decide that a decision should be made in their absence on the evidence available on the third scheduled meeting.

The staff member should be given the option of accessing mediation process again at this stage. This would entail pausing the grievance process whilst mediation is explored.

5.3 Grievance Outcome

The manager will normally inform the staff member of the decision made on the grievance at the end of the meeting. In some cases an adjournment will be necessary to consider the case or to investigate it further.

After the meeting the staff member will be informed of the outcome in writing within seven calendar days of the grievance. The letter will inform the staff member of the action the manager proposes to take in response to the grievance or that no action can be taken. The staff member will be informed of the right of appeal. The staff member should discuss the proposed outcome with their line manager, where appropriate.

5.4 Appeal

The grounds for appeal will be if the staff member considers that there has been a procedural or process failing in the way in which their grievance has been handled and that this has affected the outcome

If the staff member wishes to appeal, then they should registered the appeal in writing to their manage within seven calendar days of receipt of the written notification of the meeting decision.

The grounds of appeal should be set out in the appeal letter and the staff member or their representative will use those grounds to establish their case at the beginning of the appeal.

The manager will reply to the appeal letter within seven calendar days, acknowledging the registering of the appeal, the hearing of which will take place as soon as practicable.

There will be a minimum of seven calendar day's notice of the appeal hearing date. Any statements of case or evidence on which either management or the staff member wishes to rely, will be provided to the Appeal Hearing Officer and other party at least seven calendar days prior to the hearing. The staff member has a right to be accompanied at the appeal, by a colleague or trade union representative.

The Appeal Hearing is not a re-hearing of the original case but rather an examination of the procedural or process failing/mishandling as suggested by the staff member.

A note-taker will be present to take notes of the appeal hearing for management purposes. These notes will not be verbatim but will reflect the content of the discussion undertaken.

Every effort should be made by all to attend meetings as arranged. Effort will be made to arrange meetings which are mutually acceptable, wherever possible. Where an staff member fails to attend on more than two occasions, Landward Research may decide that a decision should be made in their absence on the evidence available on the third scheduled meeting.

The staff member will be informed of the outcome in writing within seven calendar days of the appeal hearing. The outcome will be to Uphold, Partially Uphold, or Decline the Appeal. The rationale behind the decision will be outlined within the outcome letter.

The decision stated in the letter is final and once an appeal hearing has been concluded this exhausts Landward Research's internal process. The staff member may not submit the same issue/s again as a separate grievance.

5.5 Other Provisions

5.5.1 Right to be Accompanied

During formal proceedings, including appeals, the staff member can be accompanied by a companion. This may be: either a fellow worker; a workplace Trade Union representative; or an official employed by a Trade Union. The staff member should advise whether the line manager/panel should copy the staff member's representative into all the relevant documentation.

At any grievance or appeal meeting, the companion will be allowed to address the meeting in order to: put the staff member's grievance forward; sum up the grievance; respond on the staff member's behalf to any view expressed; and confer with the individual. The representative should not usually answer questions on behalf of the staff member, but may do so with the agreement of the panel.

5.5.2 Concurrent Formal Procedures

Where an staff member raises a grievance during disciplinary proceedings, both issues can be dealt with concurrently. Where a grievance is raised which is separate and wholly unrelated to the matter in hand, consideration can be given to dealing with the grievance separately at the conclusion of the disciplinary process. In such situations Landward Research retains discretion not to accept escalation of an issue to stage 2 when an existing process is in train that can be used to consider and respond to the issues raised.

5.5.3 Reasonable Adjustments

Where an staff member believes that disability (e.g. hearing difficulties, chronic fatigue, dyslexia etc) or language skills (e.g. English is not his/her first language) may impact on the ability to participate as appropriate in the procedure, it is the individual's responsibility to raise this with Human Resources as soon as possible. In such cases Landward Research will consider providing appropriate reasonable support/adjustments during formal proceedings. Panel members shall be advised of any reasonable adjustments to be made.

6 Other Related Documentation

Where necessary, this policy should be read in conjunction with other Landward Research Policies, such as:

- Disciplinary Procedure
- Sickness Absence Management Procedure
- Capability Procedure
- Conduct Code
- Preventing Sexual Harassment Policy
- Equity, Diversity, and Inclusion Policy
- Preventing Bullying, Harassment, and Discrimination Policy

7 Review

Landward Research will review this policy on an ongoing basis and carry out a formal review not less than every 3 years. Such review shall take into account the operation of the Policy since the last formal review, any legal or regulatory developments, an assessment of current best practice in relation to fair trading and any other relevant information.

Annex 1: Form For A Staff Member To Raise A Formal Grievance

This form is intended for use by any staff member of Landward Research who wants to make a formal complaint about workplace issues.

Staff members must be able to demonstrate that they have explored and exhausted Stage 1 of the Grievance Procedure before progressing to the formal stage. If the issues cannot be resolved at the informal stage, then staff members can request that the complaint is dealt with formally and this form should be completed and submitted to their manager.

Please note that this form will be considered your Appellant statement of case, therefore you should provide as much Information as possible about your grievance.

| | |
|---|----------------------------------|
| Staff Member Name | Click or tap here to enter text. |
| Staff Member Job Title | Click or tap here to enter text. |
| Details of any actions taken in line with the informal stage of the grievance procedure | |
| Click or tap here to enter text. | |
| Summary of grievance | |
| Please set out the details of your grievance (providing as much detail as possible, e.g. dates, times, locations and persons involved). You may attach additional sheets if required. | |
| Click or tap here to enter text. | |
| Outcome requested | |
| Click or tap here to enter text. | |
| Witnesses | |
| Please provide names of any witnesses you are intending to call to the Grievance Hearing to support your case | |
| Click or tap here to enter text. | |
| Form completed by | Click or tap here to enter text. |
| Signature | |
| Date of complaint submission | Click or tap to enter a date. |