

FACT SHEET

Grievances in the Workplace

KEY CONTACT



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There may come a time when employees feel aggrieved by events that have occurred in the workplace. It may be that they believe that they have been subjected to discrimination by their employer or they have felt harassed by comments made by their colleagues.

The first step to addressing these issues is to follow a full and fair procedure such as an internal grievance process or the Acas Code of Practice. The procedure you have followed will be taken into account if the case reaches an Employment Tribunal.

We have prepared these notes to provide an overview of the procedure that should be followed when a grievance is raised.

Grievance Procedure

Employers should put their grievance procedure in writing and share it with all staff, such as on the company intranet or in the HR manual. This should include the following information:

- » How to raise a formal grievance;
- » Who to write to;
- » How to appeal a decision; and
- » How long each stage should take.

FORMAL GRIEVANCE RECEIVED

Employees should raise a formal grievance with their employer setting out what the grievance is about and what they want their employer to do about it. In most

cases employees will submit a formal letter, however, on some occasions it may be that issues are raised during their appraisal or another one-to-one meeting. It may not be a case of the employee saying 'I feel that I am being badly treated and wish to raise a grievance'. It may be more subtle words that are used and, if an employer is unsure whether the employee is raising a formal grievance, they should ask them to confirm this.

INVESTIGATION

The grievance should be investigated to ensure a fair decision is reached. This may include talking to their immediate colleagues or line manager to ascertain whether anyone else has witnessed these events.

The investigation should ideally be conducted by their line manager or, if the line manager is the person the grievance has been raised against, someone else at a similar or more senior level.

Full notes of what is said by the individual/s during the investigation should be taken and they should be asked to confirm that they are happy for their names to be used as part of the grievance process. If they strongly oppose their names being used, you can redact (remove) their names from the notes. We advise that you ask them to sign formal statements.

An informal meeting with the employee who raised the grievance may also be necessary for them to provide a little more background to their complaints, and to try and resolve matters informally.

The investigation process should not take too long and should be concluded as soon as possible after the grievance has been raised.

INVITE TO A FORMAL GRIEVANCE MEETING

Once the investigation has been concluded, the employee should be invited to a formal meeting for their grievance to be heard. The employee should be allowed enough time to prepare for the meeting. The meeting should be chaired by their line manager or someone of a similar or more senior position. Someone else more senior may need to hear the appeal and therefore you should, where possible, avoid having them involved at this stage.

The employee has the right to be accompanied by a current colleague or a trade union representative. In very exceptional circumstances you may consider allowing someone else to accompany them.

The employee should be given the opportunity to explain their grievance, ask questions, provide any evidence and suggest how the grievance may be resolved. The companion is allowed to take notes, set out the case of the employee and discuss matters with them during the meeting but cannot answer questions on behalf of the employee.

A note taker should take a full record of the discussions. The notes should be shared with the employee to ensure they agree the minutes are a true reflection of the meeting.

There may be further investigation required after the formal meeting before a decision is made but the decision should be provided to the employee as soon as possible after the meeting allowing time for it to be properly considered.

If there are any measures that have been taken internally to address the issues raised, such as

disciplinary action against another employee, this should also be communicated to the employee who raised the grievance without going into specific details.

GRIEVANCE OUTCOME

You should decide on a fair and reasonable outcome based on the findings from the meetings and investigations. The employee should be informed in writing as soon as possible of the outcome of their grievance and information about how to appeal a grievance may be upheld, part upheld, or dismissed entirely.

The employee should be given the right to appeal the outcome of the grievance within a set time period.

APPEAL

If the employee chooses to appeal against the decision made, a meeting should be arranged as soon as possible after the appeal has been received. The employee is entitled to be accompanied by a colleague or a trade union representative.

If possible, a manager who has not been involved in the process should handle the appeal and ideally someone more senior than the person who chaired the initial grievance meeting. They will hear the employee's appeal, the notes of the investigation and any other relevant documentation (they may also need to speak to people individually themselves) before making a decision as to whether to uphold the employee's appeal or not.

The decision is final and the employee has no further internal recourse.

Our Team can advise and assist you on every stage of the grievance process. If you do not have a formal grievance policy setting out the company's process we can assist with drafting one.



How Can We Help You?

For more information and to find out how we can help you, please contact us on 0345 646 0406 or email enquiries@nockolds.co.uk and a member of our Team will be in touch.

This fact sheet has been provided for information purposes only and should not be construed as legal advice. Whilst every effort has been made to ensure that the information in this fact sheet is correct (as at December 2019), it is intended as a guide only and should not be relied upon. Specialist legal advice should be sought so that all the factors specific to your circumstances can be taken into account.