GRIEVANCE MANAGEMENT

HOW TO GUIDE

A grievance is an employee's concern, problem or complaint about work. It is good practice to have a clear written procedure so employees know how to raise issues and can be confident they will be heard and addressed fairly. If you need an independent investigator to support a grievance process, SEE can provide this for you.

GRIEVANCE INVESTIGATIONS

PURPOSE

- **Meet with the employee to draw out all the facts of the grievance**
  It is often hard to assess the seriousness of a grievance when it is first raised so it's important to make sure the meeting with the employee raising the grievance is the first person you speak to so that you are fully aware of the reasons for the grievance.

- **Give the employee sufficient time to state their case**

You should also consider whether the grievance concerns the employee's line manager. If it does, the employee must have the option to approach an alternative manager or raise the issue with the HR team.

Find out the process

THE PROCESS

1. If an employee wants to raise a formal grievance, they must put it in writing. This helps them set out the issue clearly and gives you what you need to prepare for the meeting.
2. Once you have acknowledged the formal grievance in writing, arrange a meeting with the employee at their normal working time. For night shift staff, hold the meeting during their night shift.
3. A manager should lead the grievance meeting, with HR present to support, take notes and ensure procedures are followed.
4. Hold the meeting in a private room with no interruptions. Turn off or divert any landlines and make sure all mobile phones are switched off.
5. Keep the meeting confidential to avoid causing the employee unnecessary embarrassment.
6. Once arrangements are made, write to the employee to confirm that a grievance meeting has been arranged, briefly summarise the issue, and give the date, time, place of the meeting and their right to be accompanied.
7. All workers have a statutory right to be accompanied by a fellow worker or trade union official, not by anyone else such as a solicitor. The companion should be given reasonable time off to attend.
8. If the meeting time or date does not suit the employee or their companion, rearrange it for a mutually convenient time.
9. If the employee is under 18, allow them to be accompanied by a parent or other responsible adult. If they have a mental health disability, it may also be appropriate for a family member or close friend to attend.

OUTCOME PROCEDURE

If a grievance seems too minor for the formal procedure, consider resolving it informally, for example through mediation. SEE has qualified mediators to help with process.

Type up the meeting notes promptly, give a copy to the employee, and ask them to sign and return it to confirm it is accurate record of what was said, recording any disagreements on the notes.

After the adjournment, meet again with the employee to explain what action will or will not be taken and why, and then confirm this in writing.

If the employee is unhappy with the outcome, they should be allowed to appeal, told clearly who to appeal to and the deadline for doing so, and this should all be confirmed in writing.

HOW TO HOLD A GRIEVANCE MEETING

Pre-meeting checklist:

- Check that you have a copy of the employee's grievance letter
- Check that you have read through all of the relevant paperwork
- Check that you have a "management" colleague available, to accompany you and to take notes
- Check the employee has been invited to attend the grievance hearing in writing and been informed of the right to be accompanied
- Check that you have available copies of any documents you intend to refer to
- Check that you have a copy of your Company's Grievance Procedure

HOW TO HOLD A GRIEVANCE MEETING *continued...*

Holding the meeting:

1 INTRODUCE EVERYONE...

...and explain that notes will be taken and shared.

If the employee is alone, check they are happy to proceed without a companion.

2 EXPLAIN THE PURPOSE

...this meeting is to consider the grievance set out in their letter.

3 EXPLAIN THE FORMAT

You will read through their letter and pause for them to add anything.

You may ask questions to clarify points.

You will review any relevant documents.

You may adjourn to consider your decision, investigate further or reflect, and the outcome will always be confirmed in writing.

This is stage one of a two stage grievance process and they can appeal if unhappy with the outcome.

4 CHECK IN

Check the employee is happy with the format and answer my questions

5 REVIEW THE GRIEVANCE

- Go through each point in the letter.
- Review any documents.
- Identify witnesses or further investigation needed.

Ask what outcome they are hoping for.

Ask if there is anything else they want to raise before you adjourn.

6 EXPLAIN THE NEXT STEPS

Either briefly adjourn and then reconvene to give your decision, or

Adjourn to investigate further or reflect, and then send your decision in writing.

If you reconvene, give your decision and reasons, confirm it will also be put in writing, and explain the right of appeal, including who to appeal to, the deadline and the need to set out the grounds for appeal.

7 QUESTIONS

Invite any final questions.

After the meeting...

- Carry out any further investigations if appropriate
- Prepare and issue letter to employee.

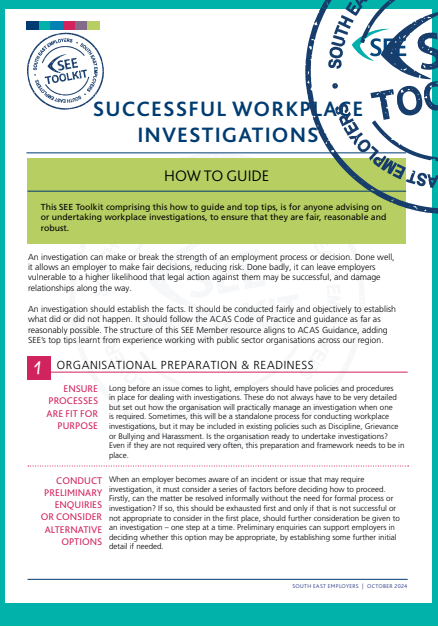
Investigation Services

We provide an independent investigation service for organisations that need an impartial view on complex or sensitive workplace issues. Our experienced investigators handle disciplinary, grievance and whistleblowing cases, gathering evidence, interviewing witnesses and producing clear, robust reports that support fair decision making. For more information email info@seemp.co.uk

Successful workplace investigations

This SEE Toolkit comprising this how to guide and top tips, is for anyone advising on or undertaking workplace investigations, to ensure that they are fair, reasonable and robust.

Download for free on our partner hub: seemp.co.uk/partner-hub


SUCCESSFUL WORKPLACE INVESTIGATIONS

HOW TO GUIDE

This SEE Toolkit comprising this how to guide and top tips, is for anyone advising on or undertaking workplace investigations, to ensure that they are fair, reasonable and robust.

An investigation can make or break the strength of an employment process or decision. Done well, it allows an employer to make fair decisions, reducing risk. Done badly, it can leave employers vulnerable to a higher likelihood that legal action against them may be successful, and damage relationships along the way.

An investigation should establish the facts. It should be conducted fairly and objectively to establish what did or did not happen. It should follow the ACAS Code of Practice and guidance as far as reasonably possible. The structure of this SEE Member resource aligns to ACAS Guidance, adding SEE's top tips learnt from experience working with public sector organisations across our region.

1 ORGANISATIONAL PREPARATION & READINESS

ENSURE PROCESSES ARE FIT FOR PURPOSE

Long before an issue comes to light, employers should have policies and procedures in place for dealing with investigations. These do not always have to be very detailed but set out how the organisation will practically manage an investigation when one is required. Sometimes, this will be a standalone process for conducting workplace investigations, but it may be included in existing policies such as Discipline, Grievance or Bullying and Harassment. Is the organisation ready to undertake investigations? Even if they are not required very often, this preparation and framework needs to be in place.

CONDUCT PRELIMINARY ENQUIRIES OR CONSIDER ALTERNATIVE OPTIONS

When an employer becomes aware of an incident or issue that may require investigation, it must consider a series of factors before deciding how to proceed. Firstly, can the matter be resolved informally without the need for formal process or investigation? If so, this should be exhausted first and only if that is not successful or not appropriate to consider in the first place, should further consideration be given to an investigation – one step at a time. Preliminary enquiries can support employers in deciding whether this option may be appropriate, by establishing some further initial detail if needed.

SOUTH EAST EMPLOYERS | OCTOBER 2024