

34. Grievance Procedure

1 OVERVIEW

It is good practice to have a clearly written grievance procedure that allows employees to raise complaints or issues of concern and the processes that will be followed in the event of an employee raising a grievance.

2 HOW TO MANAGE A GRIEVANCE

The ACAS Code of Practice on disciplinary and grievance procedures contains recommendations on handling grievances for both employers and employees. The Code defines grievances as "concerns, problems or complaints that employees raise with their employers."

The following points will help you to handle a grievance.

- Ensure grievances are tackled promptly, with investigations being carried out as appropriate.
- Grievances should be viewed constructively, as a complaint may enable a workplace problem to be identified and resolved.
- Make sure that no employee suffers recrimination as a result of raising a genuine grievance.
- When a formal grievance is received, arrange for a formal grievance hearing to be held without unreasonable delay.
- Inform the employee that they have the right to be accompanied by a colleague or trade union representative of his/her choice at any formal grievance hearing.
- At a hearing, allow the employee to explain the grievance and how he or she thinks it should be resolved.
- When you are hearing a grievance, be willing to listen to what the employee has to say and seek to resolve the matter in a way that is satisfactory to the employee wherever possible.
- It is generally a good idea to ask the employee at the outset what outcome he or she wants and consider whether this is deliverable.
- Adjourn the meeting to allow for any further investigation that is deemed necessary.
- After the meeting (and following any further necessary investigation), decide what action, if any, should be taken.
- Communicate the decision to the employee in writing as soon as possible after the grievance hearing.
- It is important to always give the employee feedback on the decision taken, even if the decision is that nothing can be done to resolve or change matters. The employee has a right to receive a response to the grievance, even if it is not the response they would have wanted.
- Inform the employee that they have the right to appeal if they feel that the grievance has not been satisfactorily dealt with or resolved.
- Hear appeals without unreasonable delay.
- Where possible, arrange for an appeal to be dealt with by a manager who has not previously been involved in the case.
- Communicate the outcome of the appeal to the employee in writing without unreasonable delay.
- Where appropriate, send out a letter that states the matter is now closed and there is no further right of appeal.
- Confidentiality should be respected throughout the process of handling employees' grievances.
- Where an employee has a grievance that relates to a disciplinary sanction, s/he should not use the employer's grievance procedure, but instead raise an appeal under the disciplinary procedure.

If the employee's grievance is against their manager, the employee should be able to approach another manager. If you are a small business run by an owner/manager there may be no alternative manager for the employee to raise a grievance with. If this is the case, make it clear that all grievances will be treated fairly and objectively.

It is advisable to consider whether the grievance can be resolved informally. An informal meeting between the line manager and the employee can often resolve a grievance.

You may wish to consider using an independent third party or mediator to help to resolve disputes in the workplace.

3 NEXT STEPS

- Develop a clearly written grievance procedure which takes into account the ACAS Code of Practice.
- Ensure that employees have access to the policy.
- Take grievances seriously and ensure that any grievances are dealt with promptly and without any unreasonable delay.

4 FACTSHEETS TO HELP

- Discipline Procedure

5 FOR MORE ADVICE AND INFORMATION

ACAS - (Advisory, Conciliation and Arbitration Service) free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. www.acas.org.uk

Achieve in Bath & North East Somerset - free recruitment support, advice and help. Matching job seekers, employers and course providers to help employers recruit, train and retain employees.

www.achieveinbathnes.co.uk

Future Bright - free help & support for businesses and employees to realise their full potential. Provide access to training and development, workshops and networking. HR support to promote career progression and best practice to attract and retain staff. www.futurebright.org.uk

Bibliography - this fact sheet was produced by Rathbone HR Solutions in association with Cool Ventures Ltd in December 2018 with content sourced from; HR Inform (www.hr-inform.co.uk), ACAS (www.acas.org.uk), CIPD (www.cipd.co.uk), the pensions regulator (www.thepensionsregulator.gov.uk/en/employers), HMRC (www.gov.uk/government/organisations/hm-revenue-customs), the Information Commissioner's Officer website (www.ico.org.uk)



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