

REMEMBER

We are always here to help if you need us. We are just a phone call or an email away.

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Disclaimer - this checklist is not a definitive list and HR responsibilities/duties vary depending on the type and size of businesses. This checklist is to be used as rough guidance only. iHASCO assumes no responsibility for errors or omissions in the contents of this document.



FAQs



Who is this document for?

This document is for everyone. It can be used by leaders and line managers to help them create and follow a Grievance Procedure, and it can be used by employees to understand what they, and management, should do if they raise a grievance.



What is a grievance?

A grievance is a concern, problem or complaint that an employee raises with their employer about any aspect of their employment.



Why does an organisation need a Grievance Procedure?

An employee may have a concern at work but they may hide it if they are worried about how their complaint will be handled. This can lead to a difficult working environment where unknown problems fester and even escalate. This is why an open and supportive culture is important - it's healthier and more productive. Employees should know that they can raise any concerns and that meaningful steps will be taken to try to resolve them. A clear Grievance Procedure will help to promote a supportive and open culture.



What are some examples of a grievance?

Every situation will be different. Complaints can be raised by an individual or by a group.

Concerns at work can have many causes, but the most common stem from:

- Poor management
- Unfair treatment
- Unclear job roles
- Inadequate training
- Poor communication
- Poor working environment
- Lack of opportunities

- Bullying or harassment
- Personality clashes between individuals
- Unreasonable expectations of what the employee can achieve
- Differing values
- Needs and expectations at work

➤ How urgently should a manager act upon a grievance?

If an employee raises concerns, it's important they are dealt with as soon as possible.

➤ What about confidentiality?

Confidentiality should be maintained at all times during the process. All records/ notes/witness statements should be securely stored in the employee's personnel records.

➤ What happens first?

If a manager becomes aware of a complaint or grievance, it's important to establish:

- Whether the employee wants their complaint to be dealt with informally or formally
- What action the employee expects to be taken to resolve their complaints
- Whether that action can be taken or not

Note:

If the employee decides to raise their grievance informally, they could still choose to submit a formal grievance later on.

It should always be the employee's decision about which process is used. If they do raise what seem to be informal concerns, it's good practice to confirm they don't want to use the formal procedure.

Sometimes, an employee may not want to discuss their concerns further, they may just want to flag them with management. Whilst there would

be no need to meet with the employee, internal steps may still have to be taken to rectify the situation – for example, if they have flagged that a manager is behaving inappropriately, this will need to be investigated and dealt with appropriately.

➤ Informal Route: 5 Steps

Sometimes, taking the informal route may simply mean having a quick word with the perpetrator, or a quick word with a manager, and everything is resolved. The steps we outline here may seem daunting as an ‘informal route’, but they are merely details and options to explore.

The advantage of the informal route is that issues may be resolved more quickly and potentially without as many repercussions as using the formal procedure. For example, there may be less risk that working relationships will be damaged. The informal route is most commonly used when an employee wishes to resolve the matter via more relaxed/unofficial means, or where the concerns do not seem particularly serious.

➤ Step 1: Decide who will handle the grievance

This must be someone more senior to the employee (usually their line manager unless they are involved in the complaints).

➤ Step 2: Schedule a meeting with the employee

The manager should schedule a private meeting with the employee at the earliest opportunity and ask them to be prepared to present their concerns. Sufficient time should be set aside for the meeting.

Note:

As the employee could still submit a formal grievance, it’s important to consider who would conduct any formal hearings, as they should not be involved in the informal meeting(s).

Note:

It's not appropriate to delay dealing with the concerns until a later date. For example, at a scheduled/routine appraisal. An employee does not have the right to be accompanied by a colleague or trade union representative at an informal meeting.

 **Step 3: Prepare for the meeting**

In preparing for the meeting, the manager should review what they know about the employee's concerns together with any relevant evidence. The employee should prepare their own notes about the points they want to raise, any evidence they have, and how they expect the situation to be handled.

Note:

It may be helpful for the manager to consider, in advance, what questions to ask at the meeting. However, these questions should not be taken as a script or a definitive list and it's important to ask any further relevant questions during the meeting, as and when they arise.

 **Step 4: Conduct the meeting**

- A. The employee's grievance must be discussed in full, along with how they want the issues to be resolved.
- B. Managers may prefer to keep a loose structure, but it's good practice to:
 - Open with some pleasantries and thank the employee for attending
 - Confirm that the employee does not wish to raise a formal grievance at this stage
 - Explain that this meeting is the employee's opportunity to set out their concerns
 - Ask the employee to confirm what outcome they would like from the meeting
- C. The employee should then be given a chance to fully explain their grievance. The manager should ensure that they understand all of the concerns raised by the employee and ask any appropriate questions. If the employee

mentions any evidence, for example a problematic email, the manager should ask to see a copy.

- D. If there is anything that the manager needs to look into after the meeting, they should confirm this with the employee during the meeting. This is particularly important if they need to check facts with other employees. If this is the case, this should be agreed with the employee and anyone spoken to should be asked to keep such discussions confidential.
- E. The manager may also need to look at evidence such as the employee's contract, staff handbook, work schedules, duty rotas, operational policies/procedures, as well as any relevant emails, computer records or receipts. Recordings such as CCTV or call recordings may also need to be reviewed.
- F. The meeting should be concluded by asking the employee if they want to add anything and then confirming the next step. If there is nothing else to investigate, the manager could make a final decision at the meeting.

Note:

It's good practice to keep written records of all informal discussions and any decisions taken, in case a full history of events is needed later. If it does not feel appropriate to have a note taker present, the manager could make rough notes during the meeting and write these up afterwards.

 **Step 5: Investigate and make a decision**

The manager may need time to think the situation through or carry out some additional investigation. Whether it's done during or after the meeting, the manager must decide whether they agree with the employee's concerns and if they do, and decide what steps can be taken to remedy them. It's good practice to discuss the decision in another informal meeting and this can be followed up with a letter or email that confirms what was discussed.

Note:

It's important to keep what the employee wants in mind. Even if the manager is not upholding the complaints, they should still offer suggestions to improve the working relationship/situation in question.

IMPORTANT

The employee does not have any right of appeal against an informal decision about their concerns, but it's best practice for a manager to try and resolve the issues (within reason) if the employee is disappointed with the outcome. Alternatively, the employee can submit a formal grievance.



➤ Suggestions

If the manager believes the employee's concerns are valid, they should consider how the situation can be improved. Here's some ideas:

- Conciliation meeting/s between colleagues
- Agreeing to employee's request – e.g. a holiday request
- Disciplinary action against a perpetrator
- Mediation
- Providing counselling/a mentor for the employee
- Exploring if a colleague will apologise
- Providing new equipment/software
- Proposing a change to the employee's terms and conditions of employment
- Giving the employee a training/a strategy to approach a difficult colleague

➤ Formal Grievance Procedure

There are two stages to the formal grievance procedure: the grievance hearing and the appeal. The size of the business and how many members of management there are will affect who should carry out each stage:

- As a minimum, the person conducting each stage must be more senior to the employee and to any employees who are being complained about
- If possible, a different person should carry out each stage, with the person holding the appeal being the most senior
- Each person should only deal with their allotted stage of the process and should not get involved in the other stage



Step 1: Write down and send the grievance

To start the formal process, the employee should set out their grievance in writing, stating the nature of their grievance and any supporting facts or circumstances, and forward it to a manager.



Step 2: Acknowledge receipt of grievance

Once the written grievance has been received, the manager should write to the employee acknowledging receipt of the grievance.



Step 3: Arrange a grievance hearing

The manager should arrange a formal grievance hearing, and ensure that the employee is given at least two days' notice so they have time to prepare. The invite letter should confirm:

- The date the grievance was received
- The date, time and location of the hearing
- Which manager will chair the hearing
- Who will be present for note taking purposes
- That the employee should be prepared to provide dates, times, witness names and any supporting documentation of each allegation



Step 4: Allow the employee to be accompanied

If an employee reasonably requests to be accompanied at a grievance hearing this must be honoured. They can be accompanied by a colleague or a trade union official.

There are certain situations where it may be appropriate for them to be accompanied by a relative, friend or contact of their own. For example:

- The organisation allows this as part of their internal procedures
- The employee is young and needs the support of a family member
- The employee has a disability and needs a wider choice of representative to participate fully in the process. For example, a sign language interpreter or a family member/friend. Disabled employees must be given the opportunity, time and support to request and receive reasonable adjustments necessary

for them to participate fully

- The employee has a first language other than English and requests an interpreter. Where possible, the organisation should provide an interpreter, but if not, the employee should be allowed to bring their own

It's important to remember that:

- Any employee involved in this process must be told to keep everything confidential
- A colleague who is acting as a representative can take paid time off work to prepare for and to go to the hearing
- The representative can put forward the employee's case, respond to any views expressed and confer with the employee. The representative cannot answer any questions put to the employee or address the hearing if the employee does not want them to
- If an employee's chosen representative cannot attend a grievance hearing at the arranged time, the employee can ask for a postponement of up to five working days

➤ Step 5: Prepare for the hearing

In preparing for the meeting, the manager (grievance chair) should review what they know about the employee's concerns together with any relevant evidence. They should also create copies of all relevant documents they have available, to take to the hearing. The employee should prepare their own notes about the points they want to raise, any evidence they have, and how they expect the situation to be handled.

Note:

It may be helpful for the manager/chair to consider, in advance, what questions to ask at the meeting. However, these questions should not be taken as a script or a definitive list and it's important to ask any further relevant questions during the meeting, as and when they arise.

➤ Step 6: Conduct the hearing

During the hearing, the manager/chair should:

- Ensure the employee has the opportunity to fully present their concerns
- Be fair and objective, whilst gathering all necessary information
- Remain as impartial as possible and keep matters confidential
- Ensure that the hearing is conducted in an orderly manner and in line with the relevant procedures
- Deal with the issues sensitively

For full details on how to conduct the hearing and what it should include, see [pages 13-14](#).

Note:

There should be a note taker at the grievance hearing who can take full notes so the manager/chair can concentrate on conducting the hearing. The note taker does not make any decisions. They must keep everything confidential.

Step 7: Investigate and make a decision

Following the hearing, the manager/chair must decide whether to uphold the grievance, and if they do uphold it, how the grievance should be resolved. It's best that the decision is not made during the hearing, as they may need time to think the situation through or carry out some additional investigation.

It's important to keep what the employee wants in mind either way. If they do not uphold the grievance, the manager can still suggest recommendations that could improve the working relationship or situation. Here's some resolution examples to explore:

- Conciliation meeting/s between colleagues
- Agreeing to employee's request - e.g. a holiday request
- Disciplinary action against a perpetrator
- Mediation
- Providing counselling/a mentor for the employee
- Exploring if a colleague will apologise
- Providing new equipment/software
- Proposing a change to the employee's terms and conditions of employment

- Giving the employee a training/a strategy to approach a difficult colleague

➤ Step 8: Inform the employee of the decision

A dated decision letter must be sent to the employee within good time after the hearing and it needs to confirm the manager's/chair's considerations and decision and any actions that are to be taken. The letter should confirm:

- The concerns which were raised by the employee
- What investigations have been conducted
- What the manager/chair has decided and why*
- That the employee has the right to appeal the decision, and how this can be done

***Note:**

If disciplinary action is being taken against a perpetrator, the employee should not be informed of the details of this, as this is confidential information about the perpetrator. However, the manager/chair could confirm that 'appropriate action' is being taken.

IMPORTANT

Confidentiality should be maintained at all times during the process. All records/notes/witness statements should be securely stored in the employee's personnel records, along with a copy of the decision letter and minutes of the grievance hearing. The chair must ensure the grievance information is not passed on to anyone who isn't involved in the process.



➤ What if a grievance procedure cannot be completed?

There are a number of reasons why a grievance process may not be completed, in particular:

The employee fails to attend the hearing.

The employee should make every effort to attend the hearing in order to resolve

the complaint they have raised. If they are unable to attend, they should inform the manager/chair and the hearing can be rearranged for the earliest opportunity. It may be appropriate to inform the employee that, if they fail to attend the rearranged hearing, it will be assumed they no longer wish to continue with the process.

The employee withdraws their grievance.

If the employee tells the manager/chair that they want to withdraw their grievance, the manager/chair should ask them to carefully consider their decision and then confirm it in writing. If the employee does not confirm the withdrawal in writing, the manager/chair should write to them stating what was verbally confirmed, and give the employee a deadline to respond in writing.

Note:

If a grievance process is not completed, there may be still internal steps that the manager/chair can take. For example, if the employee has flagged a manager's inappropriate style, this needs addressing anyway, regardless of whether the employee wishes to proceed with the grievance.

➤ What if the same employee submits another grievance?

If the employee submits a another grievance, the following should be considered:

- Whether the grievance is about the same issues as the previous grievance
- Whether it raises any new issues
- Whether it suggests that inappropriate behaviour is continuing
- Whether it indicates that the previous grievance and/or appeal were not dealt with properly
- Whether it suggests that the employee intends to present a legal claim

It should then be decided how to proceed. If the grievance is on the same grounds as before and does not appear to raise any new issues:

- The manager can explore if the employee can still appeal the original decision if they haven't already

- If they have already unsuccessfully appealed, or too much time has passed since the original decision, the manager could write to the employee and confirm that their complaint cannot be pursued as they haven't raised any new issues
- If it appears that the previous grievance procedure was not followed correctly by management, or the employee is intending to submit a legal claim, the manager should consider reopening the process

Note:

If the grievance raises new issues, then the usual grievance procedure should be followed without delay. Where possible, the grievance hearing should be conducted by someone who was not involved in the previous grievance. Generally, if an employee continues to be dissatisfied within their employment, it's worth meeting with them informally as well, to discuss why they remain dissatisfied and to seek a resolution and way forward.

Guide to Conducting a Grievance Hearing

The below is a guide to how the grievance hearing could be structured, but it must not be taken as a script, especially as this is the employee's opportunity to present their concerns and each case will be different. If at any point, new questions arise, the manager/chair should deal with these during the hearing.

1. Start the hearing (start time should be recorded in the minutes).
2. Thank the employee for attending.
3. Introduce all the parties and explain the roles of each person – e.g. note taker, grievance chair, etc.
4. Tell the employee that they can ask to take a break if they need to during the hearing. The manager/chair can choose to take a break too, if they feel it would be beneficial to gather their thoughts.
5. Explain the minutes are being written verbatim (quoted exactly) and so the pace will be slowed to match this. On occasion, the note taker may ask for a pause to catch up.
6. If the employee attends without a work colleague or trade union official, remind them that this right was offered in the invite letter and ask them to confirm that they are happy to proceed unaccompanied. This should be minuted in the notes.

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7. If the employee is represented by a trade union representative, check their identification.
 8. If the employee is represented, confirm that the colleague/trade union representative can address the hearing to ask questions, make representations and confer with the employee. However, they do not have the right to answer questions on the employee's behalf or address the hearing if the employee does not wish it.
 9. Explain that this is a grievance hearing. Its purpose is for the employee to present their concerns. Explain that these steps will be followed, and then follow them:
 - The employee sets out their concerns. They have the opportunity to fully present their concerns and ask their own questions.
 - The employee states how they would like their concerns to be resolved/what action they would like to be taken.
 - The manager/chair recaps these concerns and then works through each concern in turn, checking any evidence as they go. They will also ask questions throughout to gain clarity.
 - The manager/chair confirms what (if any) further information they may need to gather after the hearing and potential timescales for gathering it.
 - The manager/chair states that a final decision will not be made now. It will be made after the hearing and confirmed in writing, and the employee will have the right to appeal.
 - The manager/chair explains the potential outcomes (e.g. grievance not upheld, partially upheld, or fully upheld) and what recommendations could be made on how to move forward.
 - The manager/chair checks that the employee and the representative fully understands what has been discussed and asks them if they have any further questions or evidence to present
 - The hearing concludes (*finish time should be recorded in the minutes*).

Question Suggestions

It is useful to prepare questions before the hearing, but it's also crucial to go with the flow of the meeting and ask relevant questions as and when the real-time conversation needs it.

Tips for the manager/chair:

- Avoid leading questions, statements and/or multiple questions at one time
- Start with open questions to let the employee present their concerns - for

example, *'What were you asked to do that morning?'*

- Once you have obtained the employee's version of events, it's useful to use closed questions to clarify things and establish facts. Ask: *Who, why, where, what, when, how* questions, for example:
 - *How were you asked to do that?*
 - *Why did this situation arise?*
 - *What training have you had?*
 - *Who else was there that morning?*