Considering a Grievance – Manager Guide

Introduction

Grievances are work-related concerns, problems or complaints raised by staff. They may be problems or concerns about:

- an employee's work, working conditions or relationships with colleagues
- an action that has already been taken in relation to an employee
- an action which is being considered in relation to an employee
- the actions of an employee's colleagues.

Grievances can be raised by an individual employee or a group of employees – a grievance raised by a group is called a collective grievance.

The purpose of the resolution / grievance process is for the manager and employee to work together to find a resolution to the concerns raised.

The process for raising a grievance is set out in the Resolution Policy. This guide has been produced to help you as a manager by providing information about:

- some principles to follow if you have to consider a grievance, either informally or formally
- advice for conducting grievance meetings
- information about timescales and time limits associated with the process.

It should be read alongside the Resolution Policy. There is also an action card which explains all the stages of the process in flowcharts. You can find the forms and action card associated with the process on the intranet.

Handling a grievance at any stage

There are three stages of the grievance process:

- informal
- formal
- appeal

Wherever possible you should try and resolve any concerns raised informally in the first instance. At the informal stage your HR manager can provide you with advice and support. If you are considering a grievance formally a HR manager will be identified to support you with the process.

The nature of every grievance and the specific details relating to it will be different, but there are some general principles you should follow whenever considering a grievance. To keep the procedure fair if you are considering a grievance it is important you:

- do your best to understand the feelings of the person raising the grievance – remember there can be a lot of emotions caught up in a grievance which can sometimes lead to people reacting in unexpected ways
- remain impartial
- consider the information or evidence from all sides
- consider what additional information you may need to help you make an informed decision on any outcomes and actions
- avoid assuming anything about the grievance or the people involved

- be sensitive to the circumstances and needs of the person the grievance is about, as well as the person who raised the grievance
- take care in deciding on any actions
- see if a similar grievance has happened before and aim to follow the same fair procedure – the HR manager supporting you will be able to help with this.

Before making any decisions you should meet with the employee to:

- ensure you understand their grievance
- confirm what resolutions they are seeking
- give them the opportunity to provide any further information
- explain the steps you intend to take to consider their grievance and the timescales you are working to.

The initial grievance meeting

At the informal and formal stage you should arrange an initial grievance meeting. This meeting is the chance for the employee who raised the grievance to:

- explain the grievance
- show any evidence they have
- outline how it could be resolved.

It is also the chance for you to ask questions, check your understanding of the matters and determine what steps to take next.

The meeting could be held in person or via Microsoft Teams. If possible, it is best to ask the employee if they have a preference as to how the meeting is conducted.

At the meeting you should:

- explain the purpose of the meeting is to explore the employee's grievance with them to ensure you clearly understand the issues they are raising and the resolution(s) they are seeking before you look into the matter further
- explain you will not be making any decisions about their grievance or providing any outcomes at this meeting
- outline the format the meeting will follow
- give the employee the opportunity to explain their grievance and provide any additional information
- check the resolutions they are seeking – if they have not identified any give them a timeframe in which to send these to you
- ask any questions you have for them
- advise them how to contact you if they think of any further they want to make you aware of and the timescales for sending this to you this information
- explain if there is additional information you need to seek before you can come to any conclusions
- sum up the main points you have heard during the meeting
- set out the timescales you plan to follow in considering their grievance so they know when to expect an outcome
- establish if they would like another meeting at which you will explain the outcome or if they would prefer to receive the outcome in writing only
- signpost to support mechanisms as appropriate.

Meetings with other staff / witnesses

As part of considering a grievance you may need to speak to other members of staff, either because the grievance is about them or they have been identified as a witness. Depending on the nature of the questions you have for them, consider what is the most appropriate way to speak to them – it could be an in-person or Teams meeting or it may be that a phone call is sufficient. Many of the principles outlined above apply when speaking to other individuals.

At any meeting with other parties to gather information you should:

- outline the format the meeting will follow
- explain the purpose of the meeting – e.g. you are considering a grievance, you need to gather information to help you understand and resolve the matter, and you have identified them as someone who could help you with this
- ask any questions you have
- advise them how to contact you if they think of anything further they want to make you aware of and the timescales for sending this to you this information
- sum up what they have said
- remind them of the need for confidentiality in relation to the matter
- explain you will not be able to share the details of the outcome with them, but you will share what you can
- signpost to support mechanisms as appropriate.

Deciding the outcome

You should decide on the outcome of the grievance based on:

- the findings from meetings and your investigations
- what is fair and reasonable
- outcomes in any previous similar cases (your HR manager can advise you about this).

Grievances may be upheld or not upheld, or sometimes you might partially uphold some elements of a grievance but not others. There may also be times where a grievance is not upheld but you identify other issues which need to be addressed.

Holding an outcome meeting

At a grievance outcome meeting you should:

- outline the format the meeting will follow
- explain the purpose of the meeting – e.g. to go through your findings and conclusions in relation to the points the employee raised in their grievance and the outcomes they were seeking, to ensure they understand the reasoning behind these
- outline the steps you have taken to consider their grievance
- go through your findings and any resolutions / actions identified
- advise you will confirm the outcome in writing
- signpost to support mechanisms as appropriate
- advise them of their right to appeal.

Whilst you may give the employee the opportunity to ask questions at the outcome meeting, it is not an opportunity for them to debate or challenge the decisions you have reached.

The grievance outcome and details must remain confidential to the employee who raised the grievance. However, where appropriate, it can be a good idea for you to talk privately with

any other staff involved in the grievance to try to avoid any potential future negative effects, e.g. bad feelings, gossip, bullying or low work morale.

Timescales, time limits and delays
There is a three-month time limit for raising a grievance about an event/incident. If the grievance is about a series of events/incidents, the most recent event/incident must have occurred within three months of the grievance being raised.

In terms of receiving and considering a grievance you should seek to resolve the matter as quickly as you can. Timescales within the process include:

- acknowledging receipt of the grievance within seven calendar days
- arranging an initial grievance meeting within 14 calendar days
- confirming the outcome in writing within seven calendar days of the outcome meeting.

Going through a grievance procedure can be stressful, so it is important to consider the wellbeing and mental health of the employees involved. You should outline the timescales you intend to work to when considering their grievance. Where additional information needs to be gathered, or for more complex grievances, it can be a good idea to provide progress updates every two weeks – you should agree with the employee how these will be provided (by email, letter, etc). If there are delays, you should explain how long the delays will be.

Right to be accompanied
The employee who has submitted a grievance to is entitled to be represented by a union representative or workplace colleague in the formal stages of the process.

Repeat grievances
If an employee submits a grievance that repeats issues raised in an earlier grievance you should check when the outcome/resolution was issued and speak to the employee to understand what has prompted their further grievance.

If you establish a new issue has arisen, there is new evidence now available which requires consideration or an agreed action from the original has not been completed you should seek HR advice about if the grievance can be considered again at this time.

If there are no new issues or evidence and the previous outcome was given within the last six months, you should explain a second grievance cannot be raised on the same or similar grounds within six months of the previous outcome/resolution being issued. It may be best to explain this to the employee face-to-face and follow up in writing.