

Grievance Guide

Overview

Composite Legal Expenses Insurance provides advice to thousands of businesses and individuals each year through its legal advice helpline. The vast majority of calls to the helpline come from businesses seeking help on employment related matters.

Our expert lawyers have used their years of experience dealing with these matters to create this guide for you to use as a reference tool. The guide gives a general overview of some of the main procedures that should be used during a grievance process.

The guide has been condensed as much as possible to make sure you only get an overview of the area, for that reason it should not be viewed as comprehensive or as a substitute for specific legal advice.

If you have the benefit of a legal expenses policy with us, then the guide can be used in addition to the advice we provide and you should contact our advisors for advice in relation to any specific situations.

The guide refers to a number of template letters that can also be found on our website. These letters can be amended to suit individual circumstances.

TERMS OF USE

By accessing this Grievance Guide, you agree to be bound by these conditions. If you do not agree you must leave this site. The Grievance Guide is of a legal nature and is based on the law of England and Wales. The Grievance Guide is designed to provide general information to our customers and the internet community. The content in this Grievance Guide is not intended to amount to advice on which you should rely. You must obtain professional or specialist advice before taking, or refraining from, any action on the basis of content in the Grievance Guide. Although we make reasonable efforts to update the information in the Grievance Guide, we make no representation, warranties or guarantees, whether express or implied, that the content of the Grievance Guide is accurate, complete or up to date. We reserve the rights to update and amend this guide at any time.

GRIEVANCES

Grievances

Grievances are defined by the ACAS Code of Practice for Grievance Procedures (“The Code”) as concerns, problems or complaints raised by an employee.

The Code explains that if a grievance cannot be resolved informally, employees should raise their grievance in writing to their immediate line manager (unless the grievance is about that manager when it should be raised to another manager).

If an employee doesn’t raise a grievance in writing it wouldn’t prevent them pursuing a tribunal claim about their matter, if appropriate. However, the employee may recover less compensation than they would have done if they had raised the grievance in writing.

Employees should be encouraged to raise concerns informally in the first instance and should be made aware of how they can raise concerns formally or informally in a grievance procedure.

Once an employee raises a grievance formally, a hearing will need to be held. This hearing should be conducted by an independent manager and the employee will have a statutory right to bring a work colleague or trade union representative to the meeting (**S.10 Employment Relations Act 1999**).

**See letter 13*

This meeting should be done to establish exactly what the grievance is, how the employee considers it can be resolved and what evidence the employee has, or where can the employee direct the manager, to prove their concerns. As always it is important to make notes and it could be useful to have someone at the meeting to take these notes.

Once the hearing has been held, the manager who has listened to the grievance will want to adjourn to investigate the grievance fully. Depending on the circumstances further meetings may need to be held with the employee. At this point the employee should be given an indication of likely timescales for investigating the grievance.

After a full investigation of the grievance, the manager will need to decide if they consider the grievance to be founded or not. If founded the manager will need to consider implementing appropriate measures to resolve the grievance.

[Note: if you have concerns that a founded grievance may give rise to a legal claim, you should seek legal advice immediately. You may be able to consider alternatives that could avoid the need for litigation.]

If the grievance is not founded the manager will need to explain why.

**See letter 14*

Regardless of the outcome the employee will need to be given the right to appeal. The appeal should be dealt with by another independent manager, preferably someone more senior than the person that heard the grievance. Again the employee will be entitled to bring a work colleague or trade union representative to the hearing.