



PrivateEdge

Guide to Responding to Grievances

This guidance offers practical advice to businesses to help with responding to grievances. Following this guidance will help to reduce the risk of successful claims by employees.

This note provides practical guidance on how properly to deal with grievances in the workplace to ensure that any legal risk to your business is minimised.

Principles

Generally, employers should follow the ACAS Code of Practice on Disciplinary and Grievance Procedures (<http://www.acas.org.uk/media/pdf/f/m/Acas-Code-of-Practice-1-on-disciplinary-and-grievance-procedures.pdf>):

- to reduce risk of claims;
- to avoid uplift of compensation in any successful claim later brought by the employee (by up to 25 per cent).

The ACAS Code does not apply to collective grievances.

There is no requirement for an employee to raise the grievance before bringing a tribunal claim.

There is no requirement for your or the employee to engage in compulsory mediation.

The recommended ACAS Code grievance process

Where feasible, you should first attempt to address an employee's concerns informally.

If informal resolution is not possible, the employee should set out his/her complaint in writing.

You should hold a meeting with the employee to allow the employee the opportunity to elaborate upon his/her complaint.

The employee may bring a colleague or trade union representation to the meeting as a companion.

You should investigate the issues raised in the complaint (which is most likely to involve speaking to those individuals named in it). The amount of investigation required will depend on the individual circumstances of the case. The key is to ensure that the relevant avenues of enquiry have been followed up in order to ascertain the relevant facts. Make sure the investigation is fair and reasonable. You should hear both sides of the story and make sure you also look for evidence which could support the employee's grievance, as well as that which could refute it. Approach the matter with an open mind.

You should communicate its decision in writing, setting out your conclusions on the issues raised by the employee and the action, if any, it will take.

The employee should be given a right of appeal, and required to set out his/her grounds of appeal in writing.

The appeal should be conducted by a manager who has not been previously involved in the matter, and who is at least as senior as the original decision-maker.

The employee may bring a colleague or trade union representation to the appeal meeting as a companion.

You should conduct any further investigation needed.



You should communicate its appeal decision in writing, setting out its conclusions on the issues raised by the employee and the action, if any, it will take.

The whole process should be handled without unreasonable delay. Tips for managing grievances

- Keep policies straightforward, specific and clear.
- Train managers how to handle grievances.
- Encourage informal resolution.
- Listen to the employee's complaint carefully and respond to the specific issues raised.
- Handle matters promptly and without unreasonable delay. Keep written records, including minutes of meetings with the employee and witnesses.
- Communicate decisions clearly and promptly.

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Legal advice in black and white

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