

Guidance for **Grievance Managers**

The purpose of your role as grievance manager is to:

- ✔ Gather and collate evidence to establish all of the facts in relation to the grievance.
- ✔ Consider all of the information thoroughly in order to reach a decision about the grievance.

When you are appointed to this role, HR will send you the grievance that has been received and will notify you of the HR representative who will support you through this process.

Employees are encouraged to raise a grievance formally within three months of the matter to which the grievance relates or within three months of the last incident (if there has been a series of incidents). However, if genuine attempts at informal resolution have been made and have taken longer than this timeframe, the employee can still raise the issue formally if the issue has not been addressed.

It is important that you keep an open mind regarding the outcome and ensure impartiality, fairness and confidentiality throughout the process. A thorough investigation requires careful preparation and you should consider the nature and likely scope of the investigation based on the details of the grievance.

Initial preparation

Investigations should be carried out without unreasonable delay to establish the facts whilst recollections remain fresh and accurate. It is therefore important to prioritise the investigation and set aside time to complete it thoroughly.

You should decide how best to conduct the investigation taking into account what information you need to gather, from whom and the timescales for it. In most cases this will require the planned and systematic gathering of data. It will always involve meeting with the employee who has raised the grievance in the first instance, it may involve interviewing relevant witnesses and/or analysing relevant documents, records, policies, etc.

After the initial meeting with the employee, some investigations will simply be the gathering of facts through reviewing existing documentation. The complexity of the investigation will be dependent upon the circumstances of the grievance and whether any facts are disputed/clear and the severity of the matter.

The employee may have named witnesses in their grievance statement or have provided this information during their meeting. You may choose to meet anyone you believe may contribute relevant evidence to

the investigation. If it is appropriate, you should consider the specific issues that you wish to explore with the witnesses during these interviews.

The employee and any witnesses can submit any additional documentation or written submissions prior to their investigation meeting, so please schedule some time in your diary to review any additional information that is received.

If the employee or any witness has a disability or special requirements and has asked for adjustments to be made during the grievance process you should try to accommodate reasonable requests wherever possible.

Communications

HR will contact you to schedule a date to hold a meeting with the employee who has raised the grievance. This should be prioritised and will normally take place within ten working days of receiving the grievance.

HR will write to the employee to invite them to attend a formal grievance meeting. The letter will confirm:

- ✔ A summary of the grievance that has been raised
- ✔ The right to be accompanied by an appropriate work colleague or trade union representative
- ✔ Date, time and venue of the meeting
- ✔ Reminder of the Employee Assistance Programme

The Grievance Policy and Procedure will be enclosed with the letter.

It may also be appropriate to arrange investigation meetings for some witnesses at this stage. These meetings will take place after the grievance meeting with the employee who has raised the grievance. You should advise HR who you would like to interview and in which order.

HR will write to the witnesses inviting them to attend a formal investigation meeting. The letter will contain the above information. If the grievance is against another employee(s) a copy of the grievance statement will also be enclosed.

Preparation for the meetings

Re-read any background information relevant to the case and consider the questions you wish to ask the employee/witness. Be prepared to be flexible about asking additional questions or amending them as new information comes to light. It is good practice to use open questions (who, what, why, when, how etc.) with closed questions to clarify points. Useful open questions to consider could be:

- ☑ Can you take me through these events in your own words giving as much detail as possible?
- ☑ How do you feel? How did that make you feel?
- ☑ Why did you say/do that?
- ☑ Were there any witnesses to the occurrence, including anyone who may have heard but not seen what happened?

You may wish to prepare a script in advance of the meetings to ensure that you obtain all of the necessary information. This would include the key points (see *Conducting a Grievance Meeting* and *Conducting an Investigating Meeting* below) which must be covered plus any specific questions.

☑ A template script for a grievance/investigation meeting is available within the **Grievance Toolkit**.

Arrange a pre-meet with your HR representative in advance of the meeting to ensure that you are comfortable with the format for the meetings and to review your questions. Where appropriate, the HR representative will be in attendance at the meetings to provide support.

Right to be accompanied

Both the employee and witnesses can be accompanied at formal meetings by a work colleague or trade union representative. They can confer with the employee/witness during the meeting and may present all or part of their case, respond to any views expressed and sum up the case on their behalf. However, they are not permitted to answer any questions put directly to the employee/witness at the meeting.

No parties are permitted to use a recording device at a meeting. This is to encourage openness and full participation of all parties during meetings.

Conducting a Grievance Meeting

It is important that you cover the following points during the meeting:

Introduction

- ☑ Thank the employee for attending and inform them that you have been appointed to investigate the grievance that they have raised.
- ☑ Confirm that this meeting is being carried out in line with the Grievance Policy and Procedure.
- ☑ Where appropriate, explain that the HR representative is present to offer procedural advice and to take a note of the meeting.
- ☑ Note that the employee was given the opportunity to be accompanied at the meeting and that they have chosen to be accompanied OR have not chosen to be accompanied.
- ☑ Remind all parties of the expectation of confidentiality and honesty during the process.

- ✔ Advise that the meeting can be adjourned at the request of any party.
- ✔ Enquire if any party has any questions in relation to the process.

Grievance

- ✔ Summarise the complaint which the employee has raised formally in writing.
- ✔ Invite the employee to present their case and if they wish they may share any evidence / information to support their case.
- ✔ Discuss any attempts that the employee has made to resolve the issue informally.
- ✔ Seek further information using your prepared questions plus any additional questions that you wish to ask.
- ✔ Enquire if there are any other relevant parties/witnesses that the employee consider to be relevant to the case.
- ✔ If appropriate, explore possible explanations/special circumstances.
- ✔ Explore the employee's proposed solution with them.
- ✔ Check if the employee has any further information that they wish to provide or have any questions to ask before the meeting concludes.

Closing the meeting

- ✔ Explain that the HR representative will send the employee a written record of the meeting to sign and return, ideally within three working days and no longer than five working days, to confirm that it is an accurate reflection of the discussion.
- ✔ The employee has the opportunity to propose amendments and if any amendments cannot be agreed the additional comments will be added to the note.
- ✔ Advise the employee that you may wish to meet with them again to clarify any points.
- ✔ Provide an indication of next steps, for example whether you intend to undertake further enquiries or interview any other potential witnesses.
- ✔ Confirm that once you have concluded the investigation you will reach a decision about the grievance.
- ✔ Confirm that the employee will be notified of your decision within ten working days of concluding the investigation and they will be kept informed of progress throughout the process.
- ✔ Explain to the employee that if they are unhappy with the outcome they have the right of appeal. Any appeal must be lodged within ten working days of being notified of the decision.
- ✔ Remind the employee of the Employee Assistance Programme should they wish to access this free and confidential support service.
- ✔ Close the meeting and thank all parties for attending.

Conducting an Investigation Meeting

It is important that you cover the following points during the meeting:

Introduction

- ✔ Thank the witness for attending and inform them that you have been appointed to investigate the grievance that has been raised.
- ✔ Confirm that the investigation is being carried out in line with the Grievance Policy and Procedure.
- ✔ Where appropriate, explain that the HR representative is present to offer procedural advice and to take a note of the meeting.
- ✔ Note that the witness was given the opportunity to be accompanied at the meeting and that they have chosen to be accompanied OR have not chosen to be accompanied.
- ✔ Remind all parties of the expectation of confidentiality and honesty during the investigation.
- ✔ Advise that the meeting can be adjourned at the request of any party.
- ✔ Enquire if any party has any questions in relation to the process.

Investigation

- ✔ Summarise the complaint which has been raised formally. It is important when interviewing the employee under investigation that they fully understand the allegations being made against them.
- ✔ Advise the witness that their signed statement will be made available to the employee who has raised the grievance when they are notified of the outcome.
- ✔ Invite the witness to respond to the allegations and if they wish they can share any evidence/information to support their response.
- ✔ Seek further information using your prepared questions plus any additional questions that you wish to ask.
- ✔ Enquire if there are any other relevant parties that the witness considers to be relevant to the case.
- ✔ If appropriate, explore possible explanations/special circumstances.
- ✔ Check if the witness has any further information that they wish to provide or any questions to ask before the meeting concludes.

Closing the meeting

- ✔ Confirm that the HR representative will send the witness a written record of the meeting to sign and return, ideally within three working days and no longer than five working days, to confirm that it is an accurate reflection of the discussion.
- ✔ The witness has the opportunity to propose amendments and if any amendments cannot be agreed the additional comments will be added to the note.

- ☑ Remind the witness of the Employee Assistance Programme should they wish to access this free and confidential support service.
- ☑ Close the meeting and thank all parties for attending.

Concluding the investigation

Consider if there is any other relevant documentation which may be helpful to review as part of the investigation. For example: timesheets; absence records; OH reports; minutes from meetings; emails; letters etc. Please note that permission of the employee may be required for some of these examples. Also consider any wider documentation e.g. University policies, procedures or guidance documentation.

Please ensure that all documentation associated with the investigation is retained securely and confidentially.

Outcome of the grievance

Once you are satisfied that you have established all of the facts, you should give full consideration to all of the information that you have gathered including the employee's statement, any witness statements and any supplementary documentary evidence, in order to reach a decision. This should be done within 10 working days of concluding the investigation.

Possible grievance outcomes are:

- ☑ Grievance not upheld
- ☑ Grievance partially upheld
- ☑ Grievance upheld

If you uphold the grievance fully or in part, you may wish to recommend proposed courses of action as a result of the grievance. You may wish to consider what actions may be required to rebuild/repair working relationships, for example mediation. If you decide not to uphold the grievance, you may still wish to make recommendations in order to prevent similar complaints being raised in the future.

Once you have reached your decision, you are required to draft an outcome letter to the employee. It is important that your outcome letter contains sufficiently detailed information to enable all parties to understand how and why your conclusion/s and decision/s have been reached. The following details should be included in the letter:

- ☑ A summary of the complaint
- ☑ Confirmation of the points that have been upheld and those which have not been upheld
- ☑ The reasons for the decision – the findings

- ☑ Any recommended actions as a result of the grievance
- ☑ The right of appeal and process for making an appeal

☑ A template for this outcome letter is available within the **Grievance Toolkit**.

Concluding the process

If the employee decides to appeal your decision, they have ten working days in which to submit their appeal. If the matter progresses to a formal appeal hearing, you may be invited to present the management case at that hearing.

Once the process has concluded, please destroy all documentation securely in line with data protection principles. HR will maintain a master data file.

Please do not hesitate to contact your HR representative if you have questions at any stage of the process.

Collective Grievances

In the event that multiple identical grievances are raised and not managed as a collective grievance, it is expected that the same manager would be appointed to consider all of the grievances.