Manager’s Guidance Notes to Grievance Procedure

1. There are no legal time limits for any stage of the grievance process; instead, the ACAS Code of Practice simply states that each step should be taken without “unreasonable delay”. Therefore, any “unreasonable delay” by either party will be taken into account in the event of any formal (i.e. Employment Tribunal) case.

2. ACAS recommends inserting time limits for the different stages of the procedure but it is worth reiterating that these time limits are not binding and may be extended where necessary. However, the normal approach should be to adhere to time limits stipulated in the procedure.

3. If an employee raises a “formal grievance” in writing without going through the informal stage, they must be informed that they should first try to resolve the issue by using the informal stage of the procedure.

4. The manager should meet with the employee as soon as possible about any formal/informal complaint, so that s/he can speak to him/her about it, and should keep notes about what is discussed.

5. Once a manager has held an initial meeting as part of the formal procedure, the manager will need carry out any relevant investigations (and possibly meet with the employee again to discuss the results of this investigation/further issues that have arisen during the course of the investigation) before reaching a conclusion.

6. Generally speaking all information gathered during the course of an investigation should be shared with the employee that has raised a grievance. However, we appreciate that sometimes individuals want to give evidence “in confidence” and do not want it shared with the employee that has raised a complaint, which is why we have included an exception clause (1.9) regarding confidential information in this procedure. However, you need to make sure that all employees who take part in investigations are aware that the University can not guarantee that their evidence is kept confidential, and that, in any event, if the matter goes before an Employment Tribunal, all evidence will be disclosable (except in very rare circumstances).

7. This procedure sets out the strict legal position regarding rearranging meetings. This is included in the policy to remind employees of the law and to give the University the opportunity to take advantage of the strict legal position in the case of employees who are raising grievances vexatiously or who are simply trying to prolong the process. However, please note that the University remains under a general implied duty to ensure that employees have a reasonable opportunity to obtain redress for any grievances. Therefore, as a matter of best practice, the University should normally try to arrange meetings if possible.

8. This procedure sets out the strict legal position regarding rearranging meetings as a result of the unavailability of the union representatives. Specifically, if the rep is unavailable it is up to the employee to suggest an alternative time and date not more than five working days after the meeting was originally scheduled to take place; so long as their suggestion is reasonable, the University is under an obligation to accept their revised date. Whilst this is the strict legal position, you may decide to be a little more flexible and pragmatic, depending on the circumstances. For example, if the employee suggested a meeting 6 working days later, you should normally agree to this.

9. Where a grievance is raised during a disciplinary process, how you deal with it will depend on when the grievance was received. If it was raised before the disciplinary appeal hearing has taken place, it should be dealt with as part of the disciplinary appeal meeting. If it was raised after the disciplinary appeal hearing had taken place, it will need to be dealt with under this grievance procedure. Either way, you should write to the employee to confirm how you intend to deal with it. No disciplinary action related to the subject of a grievance should be taken against an individual involved with a grievance until the outcome has been determined through the grievance procedure.

10. If a former employee submits a grievance or raises a complaint, the University does not have to follow its formal grievance procedure. However, the University follows best practice by to looking into any such grievance and responding. The University’s position could be weakened in responding to any related Employment Tribunal claim should it not do so. In such circumstances, please seek advice from your designated HR Partner.