**Grievance - FAQ**

*Who is an appropriate manager to hear a grievance?*

Ideally, the person hearing a grievance should have no connection with the complaint, so they can find out the facts in a fair and independent manner. A suitable manager is someone who can carry out the grievance with an open mind and is capable of making a decision on the issues. Often, the most suitable person may be the individual’s manager, but this will depend on the nature of the issue raised.

*How do I prepare for a grievance hearing?*

Dealing with a grievance may involve carrying out an investigation and interviewing witnesses. It will usually begin with a meeting with the individual who has raised the complaint. Consider a list of questions that you wish to put to them in the first instance. Once you have met with them and fully understood the issues, you can make a plan for the rest of the grievance. HR will be able to provide you with specialist advice.

*What if I agree with part of the points raised in the grievance, but not all of it?*

It is possible to partly uphold a grievance. For example, where an individual has raised several points, you can agree with some and disagree with others. In these circumstances, you should set out the elements you are upholding and the elements you are not upholding with your rationale.

*A former member of staff has raised a grievance. Do I have to respond to it?*

There is no legal right for former members of staff to raise a grievance. Therefore, you are not required to respond to it formally. However, grievances may be an indicator of a potential employment tribunal claim or may highlight other important issues, so you may wish to consider considering the points raised and taking advice from Human Resources on next steps.

*A member of staff has sent me a written complaint, but it does not state that it is a formal grievance. What should I do?*

Even if a letter does not formally state it is a grievance, it is good practice to discuss the matter with the individual. If issues can be dealt with on an informal basis and all parties are agreeable to this, there is no need to convene a formal hearing. However, ensure that the member of staff is aware that they have a right to bring a formal grievance if they wish, as well as how they can access the grievance procedure.

*Can I reject the individual’s choice of companion?*

Generally speaking, members of staff can bring the companion of their choice as long as they are a trade union representative or a work based colleague. There are limited circumstances in which an employer can refuse a companion, for example if there is a conflict of interest or the presence of the companion at the meeting could prejudice the hearing. The trade union representative does not have to be from a trade union that is formally recognised by the University as long as they are on accredited representative.

*What happens if the employee remains unsatisfied after the process is concluded?*

The employee has the right to appeal the findings at the formal stage of the process (stage 2). However, following the appeal, there is no further right to raise the issue internally.

*What will Human Resources do to support me?*

HR will be able to provide guidance on any relevant employment law, previous approaches to similar issues or University policy. HR can also advise you on the process in advance of the hearing, and review your response to the grievance.

*Do I have to give the member of staff raising the grievance copies of any witness statements taken as part of any investigation?*

Normally the member of staff is provided with an outcome response letter. This would not normally include all documentation gathered during the process. However, they will be entitled to relevant information about them

under the data protection legislation. However, before disclosing the data, we must assess whether or not disclosure will breach the confidentiality of others. If a third party is identified in the notes, for example a witness who was interviewed as part of the investigation, the information can be disclosed only with that person's consent, or if it is reasonable in the circumstances to disclose it. Alternatively, we can provide the notes to the individual after removing the parts from which the third party could be identified.

*What if the member of staff disagrees with the minutes taken at the meeting?*

Minutes should be provided to the individual after the meeting. If they do not agree that they are accurate, ask them to amend them. If the amendments are agreed, then that will stand as the record of the meeting. If you do not agree with their amendments, then both copies should be retained with a note to the effect that they are not agreed.

*When should mediation be used instead of the grievance procedure?*

Mediation is only suitable if both parties are willing to enter into the process. It is not suitable for all issues; it can however be suited to situations where there are relationship issues between individuals. You can recommend mediation but staff are not required to accept the recommendation. You can find more information on mediation in our Mediation Procedure.

*Can the member of staff raising the grievance bring a solicitor to the hearing?*

No. The right to be accompanied is limited to work based colleagues or trade union representatives. The only exception to this might be a companion who can ensure that an individual is not subject to any disadvantage in the hearing. For example, if someone requires a translator to ensure that they are able to fully participate and put their version of events. The University will make reasonable adjustments to ensure that disabled staff can fully participate in the process.

*What records should I keep?*

All of the relevant documents - the written grievance, any meeting minutes or witness statements, copies of any documentation relied upon to make the decision (including any supplied by the employee), and the outcome letter to the employee. These documents can be retained on the employee’s HR file.

*A relevant witness to a grievance issue wishes to be anonymous. Is this allowed?*

Yes, although before agreeing it is necessary to balance the information that this witness can provide with the potential impact of the anonymity. Consider if there is any other evidence to confirm their statement. Also, consider why they might feel that they need to be anonymous. If you allow the anonymous evidence, then remove their name and any other identifying information from any documents. In the rare event that a matter results in an Employment Tribunal claim, all evidence will be disclosable and the University cannot guarantee that the evidence is kept confidential.

*What can the representative do at a grievance hearing?*

The representative can make representations on behalf of the member of staff, put their own questions to witnesses or the hearing manager, and talk privately with the individual. Whilst the companion can speak on behalf of the member of staff, you can insist that they answer your questions.

*What if the member of staff retracts a grievance during the process?*

It is up to the member of staff whether they want to pursue a grievance. It is however a good idea to have a conversation with them, to check their reasons for retraction. For example, if they have any concerns, need any support, or even to check there has been no inappropriate influence on them to retract the grievance.

*The individual’s chosen companion cannot attend the scheduled grievance meeting. Can I insist that it goes ahead?*

No. The member of staff may request a delay of up to five working days in order to allow their chosen companion to attend. However, whilst this is the strict legal position, you may decide to be more flexible depending on the circumstances.

## Related Documents

Grievance Procedure