

FORMAL GRIEVANCE PROCEDURE

Frequently Asked Questions

In what situations should the Grievance Procedure be used?

The Policy should only be used in where an employee is raising issues or concerns which cannot be addressed informally by a discussion with an appropriate manager in relation to:

- Terms and Conditions of Employment.
- Health and Safety
- Work Relations
- New Working Practices
- Working Environment
- Organisational Change
- Discrimination

Most grievances should be able to be dealt with informally by a discussion with the appropriate manager.

Can employees be disciplined for submitting a grievance?

No, unless it was found that the grievance was vexatious. The Investigator could recommend a disciplinary meeting is convened.

Who should carry out the management investigation?

It is advised where possible that the investigator should be at an appropriate managerial level and must not be an individual named in the grievance.

What happens if an employee submits a grievance following an incident between employees outside the work place (e.g.in a private setting)?

If the incident relates to a criminal act, a disciplinary investigation may need to take place.

If it is not of a criminal nature and it is a personal issue then it will not be appropriate to follow the internal grievance process and external private remedies should be sourced.

As a Manager do I need to meet with the employee submitting the Grievance Notification Form (GN1)?

Yes, as part of the initial assessment it is recommended that you will need to meet with the employee concerned. It is advised that notes of any such meeting must be taken and copies should be provided to the employee.

Does the employee have the right to bring anyone to the meetings?

Yes, the employee is entitled to be accompanied or represented throughout the process at each formal meeting by a work colleague, or designated TU/Professional Association Official. This right does not extend to friends/family or professional persons such as solicitors and barristers.

Can an employee have copies of any witness statements?

Yes, all statements should be shared with the employee raising the grievance where the information is key to the grievance meeting. There may be circumstances where this is not appropriate e.g. to protect witness. You should seek advice from your HR Business Partner/ Schools HR Provider in these circumstances.

What is a Grievance meeting?

A grievance meeting is a formal meeting where the employee is given the opportunity to state how they feel the Council has breached their 'duty of care' and allows management to respond.

Who would minute any Investigation/Grievance Meetings?

Ordinarily the Investigator should arrange a minute taker for any formal meetings.

Who should arrange the Grievance Meeting?

The Investigator would make the arrangements for a Grievance and Grievance Appeal meeting.

Do we have to consider any reasonable adjustments at the Grievance meeting?

Yes, where either the employee, their representative, the panel or any witnesses have any disability e.g. hearing loop, wheelchair accessible etc.

What if it's impractical or unacceptable for witnesses to attend a Meeting?

The Investigator should seek to reach agreement with the employee's representative regarding the non attendance of the witness and the utilisation of a written submission.

What if agreement cannot be reached in relation to the attendance of witnesses?

The employee/ representative/ Manager may wish to submit a series of questions that they wish the witness to provide a written response to prior to the Meeting. Alternatively, consideration should be given to the use of other suitable methods to allow the witness to respond to questions during the Meeting. The panel has to determine a proportionate amount of weight to attach to the statement given that the witness is unable to attend.

What happens if an employee raises a grievance whilst they are subject to an investigation under the Disciplinary Procedure?

Where an employee raises a grievance during a disciplinary process and the grievance relates to the disciplinary case then it is appropriate for both matters to be dealt with at the same time. The grievance should be investigated by a manager not involved in the disciplinary investigation. Where no relationship, then both procedures should be dealt with concurrently.

What happens if the employee is sick during the Grievance Process?

If the absence appears likely to continue for more than two weeks, it is advisable that the Investigator should refer the employee to the Occupational Health Unit. This referral should include information about the grievance investigation and should seek medical advice in relation to the employee's fitness to participate in any investigation and subsequent

meeting/appeal. On receipt of advice from Occupational Health, the Investigator may determine that the investigation will take place prior to the employees return to work.

What if the employee refuses to attend the Meeting?

The meeting has been arranged to consider the employees issues/concerns therefore it is in the employees interest to attend. If they refuse to attend or send a Representative to present their case, the Grievance Meeting can be cancelled and the employee informed accordingly.

Who maintains contact with the employee under investigation?

It is recommended that the Investigator should keep the employee up to date with the progress of the investigation.

Can witnesses be accompanied to a meeting?

Yes, by either a work colleague or a Trade Union representative but the employee must make these arrangements. The representative can only provide a support to the witness and cannot respond to questions on behalf of the witness.

Can an employee bring a family member to the Meetings if they are not in a Union?

No, the right to be accompanied only extends to a work colleague, Trade Union representative or an official employed by a Trade Union.