

Business

Dealing with a grievance

A little time spent developing a grievance procedure can save you a lot in the future, **Sarah Buxton** advises

Grievances are concerns, problems or complaints that employees raise with their employers. They may cover things such as health and safety, discrimination, the working environment, bullying and harassment or more generally, terms and conditions in their contracts of employment.

Managing a grievance can be difficult and cause significant stress, for both employer and employee. There are ways you can make the process much smoother and significantly avoid the possibility of successful claims against you in the future.

Such claims can be costly – both in time and money. Having a documented ‘staff handbook’ outlining in detail the grievance procedure is a wise investment on the part of an employer and can make proper management of the process much more straightforward.

Dealing with grievances

The process of dealing with a grievance must meet certain requirements from both a procedural and substantive standpoint, in order to be considered ‘fair and reasonable’. The grievance must have been dealt with appropriately both in how it was dealt (the procedure) and what the final decision was (the substantive outcome).

In the first instance, when an employee raises a grievance it should be dealt with informally, where possible. Often a ‘quiet word’ is all that is needed to satisfy the employee’s concerns, without the need to formalise the issue. This is not always possible, however.

When a grievance has been formalised (outlined in writing to the employer) it is essential that the matter is dealt with



in accordance with legally recognised procedure. This is important because if an employee takes a claim to the employment tribunal, the procedure the employer has used throughout the process will be scrutinised. It is not uncommon for employers to lose at the tribunal due to inadequate procedure in how they handled the grievance.

Where an employer receives notification that an employee wishes to raise a formal grievance, they should consult the staff handbook (if one exists) to ensure they are complying with their own employment policies.

Responding to the employee in writing and acknowledging receipt of their grievance, is the first step. It is important to advise the employee of their rights in such a letter, for instance their right to bring a companion to the meeting. It is important that accurate minutes are taken and that all correspondence between the employer and the employee is documented, as it may be relied on as evidence later.

At the meeting, it’s important to give the employee the opportunity to discuss their grievance, as well as how they would like to see it resolved. If there are any investigations that need to be conducted, it will likely be necessary to adjourn the meeting to do so, prior to providing a response.

Following the meeting and after careful consideration, the employer must decide on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

An appeal

If the decision the employer comes to does not resolve the grievance, the employee has a legal right to appeal the decision. They should let their employer know the grounds for their appeal without unreasonable delay and in writing.

Any appeal should be dealt with promptly and, where possible, dealt with impartially and by someone who has not previously been involved in the grievance. Employees have a statutory right to be accompanied at an appeal meeting. The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

There are multiple steps in the grievance process and it is very important that they are followed adequately to avoid unpleasant and costly battles. A little time spent in advance, developing a grievance procedure and understanding how to follow it, can save you a lot in the future. **D**



Sarah Buxton is a director and employment and HR solicitor at FTA Law, which specialises in acting for dentists. The team at FTA Law advises dental principals, associates and practice managers on all of the legal aspects of buying, selling and running dental practices. With extensive experience in the dental sector, the firm is ideally placed to understand and respond to the needs of dental practitioners and practice managers.

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