

## Model grievance procedure

Employers must follow a full and fair procedure in line with the Acas Code of Practice on Disciplinary and Grievance Procedures, which can be downloaded from [www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures).

The procedure an employer follows, and an employee's actions will be taken into account if the case reaches an employment tribunal.

A failure to follow the Code does not in itself, make the employer liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25% for unreasonable failure to comply with any provision of the Code.

This means that if the tribunal feels that an employer has unreasonably failed to follow the guidance set out in the Code, they can increase any award they have made by up to 25%. Conversely, if they feel an employee has unreasonably failed to follow the guidance set out in the Code they can reduce any award they have made by up to 25%.

However, the Code does not apply to collective grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. Some employers may have a separate collective grievance process but if a collective grievance process is not agreed and written down, employers should ideally still continue to follow the requirements of the Code.

The Code of Practice defines a grievance as “concerns, problems or complaints that employees raise with their employers.” [The Acas guidance](https://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work) accompanying the Code goes on to state that issues “that may cause grievances include:

* terms and conditions of employment
* health and safety
* work relations
* bullying and harassment
* new working practices
* working environment
* organisational change
* discrimination.”

[XpertHR’s 2022 survey into discipline and grievance](https://www.xperthr.co.uk/survey-analysis/discipline-and-grievance-xperthr-survey-2022/166685/) showed that, in the public sector, the top three issues raised in individual or collective grievances over the past two years were bullying and harassment, the employee’s relationship with their manager and working hours/patterns/flexible working requests.

The Foreword to the Acas Code states that “organisations may wish to consider dealing with issues involving bullying, harassment or whistleblowing under a separate procedure”.

**Key issues to help ensure a fair grievance procedure:**

* Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
* Employers should act consistently.
* Employers should carry out any necessary investigations, to establish the facts of the case.
* The employee should have an opportunity to put their case.
* Employers should allow employees to be accompanied at any formal grievance meeting.
* Employers should allow an employee to appeal against any formal decision made.

It is essential to have discipline and grievance procedures written down and for them to be specific and clear, so that everyone understands what is required.

All new employees should receive a copy or know where they can get a copy of the procedures within two months of starting their employment (as part of the statutory requirements for the written statement of terms and conditions).

The following model procedure can be used in the workplace as the basis for negotiations over the development of a grievance procedure.

Please note that the text in square brackets ***[…]*** indicates where you need to complete information specific to your workplace, or elseare notes for you to consider in relation to your negotiations.

For help in drafting and negotiating a grievance procedure agreement, contact your [regional organiser](https://www.unison.org.uk/regions/).

# Policy Statement

***[Name of employer]*** recognises that all staff should be treated fairly and with respect and aims to provide a supportive framework in which staff are able to raise any workplace problems, complaints or concerns.

This procedure provides a formal mechanism to address grievances and bring about a satisfactory resolution in a fair, consistent, transparent, thorough, but prompt manner. It is intended that both ***[name of employer]*** and its staff should view the use of this procedure in a constructive light.

The procedure is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage and to settle the issue amicably.

If the complaint relates to bullying or harassment, the worker should raise it under ***[name of employer]****’s*separate ‘Dignity at work/bullying and harassment policy’ ***[amend as appropriate]*** which can be found ***[provide link]***.

If the concern is about suspected malpractice, fraud or wrongdoing in relation to ***[name of employer]****’s*operations, the worker should raise it under ***[name of employer]****’s*separate ‘Whistleblowing policy’ ***[amend as appropriate]*** which can be found ***[provide link]***.

This procedure mostly refers to a single worker engaged in a grievance but, where taken up by multiple employees, the same procedures shall apply. However ***[name of employer]*** and ***[UNISON branch]*** will endeavour to deal with most collective issues through the collective negotiation and consultation machinery established between ***[name of employer]*** and ***[UNISON branch] - [specify any relevant body that fulfils this role]***.

Similarly, individual grievances will not cover issues more properly dealt with under established appeals procedures, such as those relating to promotions or redundancy ***[it may be useful to specify exact procedures that have been agreed separately as outside the grievance procedure].***

In the case of a grievance being taken out as a counter-grievance, or in response to the instigation of disciplinary action, both issues may be dealt with concurrently. However, if appropriate, a disciplinary procedure may be temporarily suspended in order to deal with the grievance.

### Compliance with ACAS Code of Practice

This disciplinary procedure follows the [ACAS Code of Practice on Disciplinary and Grievance Procedures](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures) issued under section 199 of the Trade Union and Labour Relations (consolidation) Act 1992 ***[in Northern Ireland, substitute with Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures 2011 (under Articles 90(7) and (17) and 107(3) of the Industrial Relations (Northern Ireland) Order 1992)]***.

# Scope of Policy

This policy applies to all staff who are employed at ***[name of employer]*** including part-time and temporary workers, regardless of hours worked or length of service.

***[Although the*** [***Acas Code***](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures) ***mainly applies to anyone legally classed as an employee, Acas states that “to help working relationships, employers might want to use the same procedure for workers.” Ideally, this grievance procedure should be used for all members of staff.]***

All new members of staff will be made aware of this policy and procedure, and how it operates as part of their induction.

### General Principles

* **Fairness** – This procedure sets out to treat all staff fairly, consistently, impartially, promptly, reasonably and will be applied without discrimination. Workers will be heard in good faith and there will be no pre-judgement of the issue.
* **Investigation** – No action will be taken until a case has been thoroughly investigated.
* **Representation** – The worker at all stages in this procedure has the right to be represented and accompanied by their trade union representative, full-time union official or work colleague.

***[Employees only have a statutory right to be accompanied by either a fellow worker, a trade union representative or official employed by a trade union at the formal grievance or appeal meeting. However, it would be important to try to negotiate for it to be also allowed at any investigatory meetings as well.***

***As the*** [***Acas guidance***](https://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work) ***explains: “the companion must be allowed to address the meeting in order to:***

* ***put the worker’s case***
* ***sum up the worker’s case***
* ***respond on the worker’s behalf to any view expressed at the hearing***
* ***confer with the worker during the meeting.***

***The companion must also be allowed to confer with the worker during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The employer is, however, not legally required to permit the companion to answer questions on the worker’s behalf, or to address the hearing if the worker does not wish it, or to prevent the employer from explaining their case.”***

***Please note that grievance and appeal meetings are often called hearings.]***

* **Confidentiality** – All documentation and records relating to this procedure including notes of meetings will be treated as confidential, stored securely and only accessed by those individuals essential for dealing with the case. They will be kept no longer than necessary in accordance with ***[name of employer]***’s data protection policy which can be found ***[provide link].*** Any breach of confidence may be treated as a disciplinary case of misconduct.

***[The*** [***Acas Code of Practice***](http://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures) ***advises employers to keep a written record of any grievance cases they deal with. The*** [***Acas guidance***](http://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work) ***suggests that records should include:***

* ***the nature of the grievance***
* ***what was decided and actions taken***
* ***the reason for the actions***
* ***whether an appeal was lodged***
* ***the outcome of the appeal***
* ***any subsequent developments.***

***It stresses that records should be treated as confidential and be kept no longer than necessary in accordance with the data protection principles set out in data protection legislation.***

***Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken.]***

* **Right to appeal** – At all formal stages of this policy the worker has the right to appeal. The appeals will be heard in an appeal meeting by senior managers who previously had no involvement with the case.
* **Recordings** – Audio/ visual recordings of the proceedings by the worker or their companion or by ***[name of employer]*** are not acceptable at any stage of this procedure.
* **Equality and diversity** – This procedure will be applied without discrimination. If someone has an existing mental or physical health impairment which they have previously disclosed, ***[name of employer]*** will make reasonable adjustments to the process as necessary.

# Responsibilities of managers

Line managers should ensure that all workers are aware of this procedure and understand their own and ***[name of employer]***’s responsibilities.

Line managers must respond promptly and within the timescales as required as part of this grievance procedure

Line managers will be given training on how to operate this procedure fairly, effectively and consistently and in line with all its general principles.

# Responsibilities of workers

All staff should actively participate in this grievance procedure and co-operate with others in ways that help to resolve issues.

# Trade union involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this procedure.

Union reps will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

# Review and monitoring

***[Name of employer]*** will ensure that all new workers, supervisors and managers will receive induction on the procedure.

Adequate resources will be made available to fulfil the aims of this procedure. The procedure will be widely promoted, and copies will be freely available and displayed in ***[name of employer]*’s** offices and through the staff intranet ***[amend as appropriate to your workplace].***

This procedure will be reviewed jointly by unions and management, on a regular basis.

# Seeking an informal resolution

If staff feel they have been treated unfairly, they should discuss this with their line-manager who will attempt to resolve the issue informally.

***[Informal approaches are encouraged in the*** [***Acas Code of Practice for Disciplinary and Grievance Procedures***](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures)***. “A quiet word is often all that is required to resolve an issue.”]***

In some cases, this may also involve assistance such as mediation to facilitate a resolution. ***[Name of employer]*** will use mediation only where the worker and the other parties involved in their grievance, agree to do so.

Where the nature of the grievance makes it problematic for the employee to raise the issue with their line manager, staff will be allowed to seek an informal resolution by contacting the HR Department ***[insert specific role and contact details where possible].***

If the employee wishes to be accompanied by a trade union representative, full-time union official or work colleague, this will not be unreasonably refused except in circumstances where this may result in an unreasonably long delay.

If the problem is serious in nature and an informal approach is not appropriate, or if informal attempts to resolve the issue do not work, a worker may raise a formal grievance under this procedure.

# Formal grievance procedure

A grievance should be raised without unreasonable delay, normally within three months of the incident (or final incident) which gives rise to the complaint.

### Submission of written grievance

The worker must detail in writing:

* what the grievance is about
* relevant facts, dates, names etc, including any evidence - for example a payslip or employment contract
* the outcome that they are seeking.

The grievance should be submitted to their line-manager. If the grievance concerns their line-manager then the grievance should be submitted to ***[the head of]*** HR who will allocate the hearing of the grievance to a more senior manager.

In the case of a collective grievance, the submission will state the names of all those staff who are joined in the grievance.

It is advisable for workers to seek advice and help from their trade union representative at this stage and to inform them of their intention to submit a written grievance.

### Invitation to grievance meeting

Once the written grievance has been submitted, the manager to whom it is addressed will invite the worker to attend a meeting, normally within ten working days, to discuss the matter.

Without unavoidable delay, the worker should be given a notification letter:

* giving at least five working days’ notice of the meeting date, time and venue
* explaining that the grievance meeting will be conducted under this procedure
* providing details of the composition of the panel who will hear the case
* stating the worker’s right to be accompanied by a trade union representative, full-time union official or work colleague.

Where it is a collective grievance, all correspondence will be sent to the nominated worker representing the group and their trade union representative.

The composition of the panel will be adjusted according to the nature of the grievance and who it is directed against, but will normally consist of the relevant line-manager, a manager from outside of the worker’s department and a representative from HR.

Whoever deals with the grievance at this stage, will be excluded from hearing the case at the appeal stage.

***[Name of employer]*** will make provision for any reasonable adjustments to accommodate the needs of a disabled worker or their companion.

The names of any witnesses being called by the worker must be made available to Human Resources no later than two working days prior to the meeting. It is the responsibility of the worker to organise their own witnesses and inform HR of any access requirements needed.

All parties will provide to Human Resources any paperwork they wish to have considered at the meeting no later than two working days prior to the meeting.

### Attendance at the grievance meeting

The worker should take all reasonable steps to attend the meeting on the date / time stated in the employer’s letter. However, the meeting will be rescheduled to another time if their companion is not available at the chosen time. In these cases, the worker must propose another date within five working days of the original meeting date.

Where a worker fails to attend or remain throughout a scheduled meeting through circumstances beyond their control, the meeting or the continuation of the meeting should be arranged for another time (within five working days).

If the worker fails to attend a re-arranged meeting without a good reason, a decision will be taken in their absence based on the evidence provided.

### Grievance meeting procedure

The chair of the panel will invite the worker to re-state their grievance and how they would like to see it resolved. The worker may call witnesses and refer to any documents previously provided to the panel.

If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give their evidence and asked to leave once they have done so.

The panel may question the worker and any of the witnesses.

The worker will be given the opportunity to sum up but may not introduce any new material.

Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.

Any accompanying trade union representative, full-time union official or work colleague, will be allowed to address the meeting to put and sum up the case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the meeting, if in accordance with the wishes of the worker.

The meeting may be adjourned by either the worker or by the panel, if it is considered necessary to gather further information or evidence or clarify any issue. The meeting will be reconvened as soon as possible.

The panel will hold any additional meetings as would, in their view, assist to resolve the grievance.

Where more information is needed and an investigation is necessary, this will be carried out by an investigating officer who must be uninvolved in the case. Investigations will be conducted fairly and without delay. If there are unavoidable delays all parties will be kept informed.

The worker will be required to attend investigation meetings when requested to do so. The worker has the right to be accompanied at any investigatory interview by a trade union representative, full-time union official or work colleague.

***[Employees only have a statutory right to be accompanied by either a fellow worker, a trade union representative or official employed by a trade union at the formal grievance or appeal meeting. However, it would be important to try to negotiate for it to be also allowed at any investigatory meetings as well.]***

The grievance panel will then consider the details heard in private.

***[The*** [***Acas guidance***](http://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work) ***accompanying the Code states that “it is generally good practice to adjourn a meeting before a decision is taken about how to deal with an employee’s grievance. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised.”]***

### Grievance meeting decision

The worker will be provided with written confirmation of the decision normally within five working days of the meeting. This will include notifying the worker of their right of appeal and the procedure to be followed. If appropriate, the decision will set out what action ***[name of employer]*** intends to take to resolve the grievance or if the grievance is not upheld, will explain the reasons.

***[The*** [***Acas guidance***](http://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work) ***accompanying the Code explains that, “while confidentiality is of prime importance in handling any grievance, in some circumstances there may be other individuals who may need to know the outcome, or certain aspects of the outcome that will impact on them. For instance, in cases where the grievance was about a fellow employee, that individual should also be informed of any aspect of the decision that affects them and the reasons for it. In such cases, the employee who raised the grievance should be informed of who else will be told about the decision and what type of information they will be given.”***

***The guidance also warns employers to “bear in mind that actions taken to resolve a grievance may have an impact on other individuals, who may also feel aggrieved.” Any employee who is the subject of a grievance should be provided with an opportunity to respond to the complaints made against them.]***

### Appeals procedure

Where a worker feels that their grievance has not been satisfactorily resolved they can appeal the decision.

The appeal should be made in writing to ***[the head of]*** HR within 10 working days of the written decision being received by the worker. ***[The head of]*** HR will allocate the hearing of the appeal to a senior manager.

The appeal should set out the reasons why the worker is not satisfied with the decision taken by the panel. Any documents submitted in support of the appeal must be attached.

Once the written appeal has been submitted, the manager will invite the worker to attend a meeting, normally within ten working days, to discuss the matter.

Without unavoidable delay, the worker should be given a notification letter:

* giving at least five working days’ notice of the meeting date, time and venue
* explaining that the appeal meeting will be conducted under this procedure
* providing details of the composition of the appeal panel
* stating the worker’s right to be accompanied by a trade union representative, full-time union official or work colleague.

The composition of the panel will be adjusted according to the nature of the grievance and who it is directed against, but will normally consist of at least two senior managers of the same level or higher than the managers who heard the original grievance, and a representative from HR. The appeal panel should not have previously any involvement in the case and no conflict of interest.

***[Name of employer]*** will make provision for any reasonable adjustments to accommodate the needs of a disabled worker or their companion.

The names of any witnesses being called by the worker must be made available to Human Resources no later than two working days prior to the meeting. It is the responsibility of the worker to organise their own witnesses and inform HR of any access requirements needed.

The worker should take all reasonable steps to attend the appeal meeting on the date/time stated in the written notification. However, the meeting will be re-scheduled to another time convenient for the worker if the worker’s companion is not available. The worker must propose an alternative date within five working days of the original date (this time limit may be extended only by mutual agreement).

The panel members will be provided with all the material presented at the original grievance meeting in order to review the original evidence and to review if the grievance was procedurally correct.

Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.

The meeting may be adjourned by either the worker or by the appeal panel, if it is considered necessary to gather further information or evidence or clarify any issue. The meeting will be reconvened as soon as possible.

The appeal panel will then consider the details heard in private.

### Appeal decision

The outcome of the appeal should be communicated to the employee in writing without unreasonable delay and normally within five working days.

***[The Acas guidance suggests that “large organisations may wish to allow a further appeal to a higher level of management, such as a director.”]***

The decision taken by the appeal panel will be final.

# Further information

Acas code of practice on disciplinary and grievance procedures

[www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures](http://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures)

Acas guide to discipline and grievance at work

[www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work](http://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work)

# Signatories

This agreement is made between ***[name of the employer]*** and UNISON, a registered trade union.

This agreement comes into force on:

Date:………………………………..

This agreement will be reviewed on:

Date:………………………………..

SIGNED ……………………………. for ***[name of the employer]***

Date ………………………………..

SIGNED …………………………….. for UNISON

Date ………………………………..