Managing a complaint at work
A step-by-step guide

Be prepared
...should things go wrong

In running your business, you expect that at some point there could be a complaint from someone who works for you. It could be to do with their work, where they work, or who they work with.

For example, it might be about a complaint of discrimination against a manager, or an issue over health and safety they claim has not been dealt with.

Such complaints are known as grievances and can occur at any level of your business – from the boardroom to the warehouse floor.

The line manager should have a quiet word with the employee making the complaint as soon as they can. Grievances can often be settled quickly and informally in the course of everyday working life.

But, if that doesn’t work, you need to take action to sort out the matter formally:

- Stick to the Acas Code of Practice on discipline and grievance;
- Understand the basics for handling a grievance;
- Manage a formal grievance from investigating it through to deciding how it will be resolved.

This tool is aimed at small firms, and line and team managers in larger organisations.
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Be prepared
And know the basics

- Follow the principles set out in the Acas code –
  - The employee must set out the complaint in writing to their line manager – unless that manager is the subject of the complaint. In that case, the complaint should go to a senior manager not involved in the case.
  - Hold a private meeting into the complaint at which the employee has a right to be accompanied.

Does the employee making the complaint have a right to be accompanied at a grievance meeting into all complaints?

Go to Frequently-asked questions.

- After the meeting, give the employee your decision in writing.
- If they appeal against your decision, hold an appeal meeting, allow them to be accompanied and give them your final decision in writing.

- And, if you have not already done so, it is good practice to:
  - Have a formal and clear procedure in writing for handling grievances where attempts to settle it informally have failed;

See an example of the wording of a procedure for handling a grievance in a small firm in the Acas guide on discipline and grievances at work.

- In the employee’s Written Statement of Terms and Conditions of Employment, name the person that an employee should raise a grievance with. This is normally their line manager;
- Train team leaders and managers, and trade union or employee representatives how to deal with grievances.
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Step 1
Look into the complaint

- The employee will have put their grievance in writing. In the letter, they should have outlined the complaint, sticking to the facts without using offensive language.
- If an employee’s grievance is against their manager and they feel unable to approach them about it, they should talk to another manager or the owner. If that is not possible you can either use:
  - A manager from an outside organisation who is trained to handle grievances, or
  - A mediator - they are particularly good at resolving problems where relationships between individuals have broken down.
- Either way, it should be a priority to investigate the complaint and establish the facts.

Go to Frequently-asked questions to find out:
How do I investigate?
What are some of the other matters which may cause grievances?
Can an employee raise a grievance about a work matter not entirely within my control?

As the only manager in your small business, you’ve decided you’ll look into the matter yourself.
At the end of your investigation, do you feel you have got to the bottom of the complaint?
If you do, go to Step 2.
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Step 2
Prepare for the grievance meeting

- Plan a date, time and place for the meeting to hear the case. It should be held:
  - In private where there will not be interruptions;
  - And, ideally, within five working days of receipt of the grievance in writing.

- Write to the employee, giving them:
  - The arrangements for the meeting;
  - The written evidence and witness statements from your investigation so there are no surprises at the meeting;
  - And add they have rights to be accompanied at the meeting and to appeal, after the meeting, against the decision how the matter will be resolved.

- Arrange for someone not involved in the case to take a note of the meeting and to act as a witness to what was said.

- To ensure consistency in decision-making, check whether similar grievances have been raised before, how they were resolved, and any follow-up action that was necessary.

- Consider arranging for an interpreter if the employee has difficulty speaking English.

- Also, consider whether any reasonable adjustments are necessary for any person attending the meeting who is disabled.
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Step 3
Holding the grievance meeting

- The manager chairing the meeting should ask both parties to:
  o State their case;
  o Call witnesses;
  o Say how they would like the problem to be resolved.

- Remember that during a grievance meeting:
  o The parties might come to an amicable solution. Having sat down together and had the chance to express how they feel, misunderstandings can often be cleared up.
  o Employees may need a little time to “let off steam” before they get to the point. But they should not use abusive language or threatening behaviour.
  o As the chair, you need to stay calm and be as fair and objective as possible in resolving the matter.

- Be prepared to adjourn the meeting if new facts emerge that need investigation, and agree a date for the meeting to resume.

- Once all the evidence has been heard, the manager chairing the meeting should:
  o Sum up the main points;
  o And tell the employee when they can expect a decision in writing, normally within 24 hours.
  It is usually advisable not to make a snap decision at the meeting, but give some time for reflection afterwards.
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Step 4
Taking action

- When coming to a decision, consider how actions to resolve a grievance might affect others you employ.

- When you’ve reached a decision, write to the employee, telling them:
  - The action which will be taken to resolve the grievance;
  - And how to appeal if they are unhappy with the outcome.
  - The reasons, carefully explained, if the grievance has not been upheld.

- Monitor action taken to check it has dealt with the grievance effectively and review the matter if necessary.

- If the grievance and outcome bring to light a widespread issue:
  - Address the matter quickly;
  - Set about changing any company policies, procedures or rules that are affected;
  - Involve employees and their representatives in developing those changes;
  - Once the changes are agreed, tell everyone what they are and where the information can be found.
  - Monitor the changes to check they are producing the desired effect.
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Step 5
Handling an appeal against a decision

- The employee can appeal against the decision after a grievance meeting, but must do so in writing. They need to set out grounds for appeal without unreasonable delay – normally within five working days of receiving the meeting’s decision.

- Write to the employee as soon as possible telling them:
  - The date, time and place of the appeal - normally within five working days of receipt of the appeal in writing;
  - They have the right to be accompanied at the appeal.
  - The decision after the appeal meeting is final.

- The appeal should be heard, where possible, by a manager preferably more senior and not previously involved in the case. Again, this is not always possible in a small business, so the same manager or owner may have to hear the appeal, but they must be objective.

- Thoroughly explore any new evidence and ensure both parties have the opportunity to comment on it.

- Summarise the key points and close the appeal.

- Afterwards, carefully consider an outcome which should be given to the employee in writing without unreasonable delay – normally within 24 hours.

- Keep a confidential written record of grievance cases. What should I keep in writing?
  Go to Frequently-asked questions.
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Legal check

- In law, you no longer have to name the person, and their job, who an employee should write to if they formally want to raise a grievance, or say where they can find a copy of the procedure they should follow. Neither do you have to name who they should appeal to if they are unhappy with the outcome of the grievance meeting.

However, it is good practice to refer to these details in the employee’s Written Statement of Terms and Conditions of Employment, a document an employee is entitled to receive after working for you for two months.

- And there is nothing in law which sets out how a grievance should be handled. However, it is advisable to follow the Acas Code of Practice on discipline and grievance otherwise it could cost you more if the dispute ends up before an employment tribunal.
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Useful tools
Real-life situation

A new employee is complaining she can’t meet deadlines because she is being given more work than her colleagues.

You try to reassure her – she’s not been with your company long and it’s early days yet. You explain that the person who did her job previously did the same amount of work on time and you are sure she will speed up with experience. However, she is unconvinced by your explanation and is still unhappy.

Two days later an email from her, setting out her grievance to you in writing, lands in your in-box.

What do you do next?

You tried to reassure her with a quiet word, but obviously she didn’t believe you and thinks you are overloading her.

As your new employee has now gone down the formal path, you have little choice but to follow it through. You write to her, inviting her to a private meeting to discuss the matter and tell her she can be accompanied by a colleague or a trade union representative.

At the meeting you carefully listen to what she has to say – and the colleague accompanying her makes an illuminating point. She is working on a different and older computer to her predecessor. She has been complaining that the computer is slow.

You suggest adjourning the meeting so the situation over her computer can be checked out. The meeting can be reconvened as soon as possible once her computer has been checked.

It turns out her computer is an older model than her predecessor’s and without the latest software. You agree to replace her computer with a new one, with the new software, and train her how to use it. You’ll then review the situation in a month.

You confirm the agreement in writing, but add that she can still appeal in a month if she feels the matter has not been satisfactorily resolved. She accepts the way forward.
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Myth busting: True or false?

If you’ve got a formal procedure for handling grievances – and made sure all your staff know how it works – you can’t go far wrong.

Unfortunately, this is not straightforward, as the answers are yes and no to different aspects of handling a grievance formally. Yes, a procedure which is fair, clear and consistent is going to help, and this would be seen favourably by an employment tribunal.

However, there is a ‘No’ element because handling grievances can be very tricky.

Imagine that you are trying to deal informally with a complaint from three colleagues about one of their fellow worker’s personal hygiene.

You need to be careful how you broach this subject with the employee and manage a very sensitive subject. If handled badly, the employee could be left feeling isolated and vulnerable. You might even be accused of bullying the employee and have a more serious grievance to deal with.

To find out more broaching difficult topics, go to the Acas guide on Challenging conversations and how to manage them.
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Frequently-asked questions

- **How do I investigate the complaint?**
  Ideally, the person conducting the investigation should have no connection with the complaint, so they can find out the facts in a fair and reasonable manner.
  But finding a person who is unconnected is not always possible in a small business. However, whoever carries out the investigation must do so with an open mind.
  That entails talking to all the parties involved and producing written evidence, and being willing to look for evidence supporting the employee and against them.
  People involved should be asked not to discuss the complaint – and not to rally support for one side or the other.
  And remember to keep that open mind, as what you uncover may not be what you expected. For example, someone’s fall-out with a colleague could also uncover allegations of bullying.
  Also, at this stage the parties do not have a right to be accompanied, but be careful that your questioning to find out the facts does not turn into a kind of grievance meeting where judgments are starting to be made and where they could have a right to be accompanied.

- **What should I keep in writing?**
  All the basics - the complaint, the employee’s case, the other party’s response, the outcomes of past similar grievances raised, a record of the grievance meeting, if an appeal was made, minutes of the appeal and how it was decided, the reasons for actions taken and developments following the appeal.
  Give a copy of grievance and appeal meeting records to the employee, but don’t include information that would identify a witness who wants to stay anonymous or confidential information from past grievances including other employees.
  Remember, these records are confidential and should be kept in a safe place.

- **What are some of the other matters which may cause grievances?**
  Earlier in this tool, we have already mentioned health and safety, and allegations of bullying, harassment or discrimination. But it could also be about their terms and conditions of employment, a rift with a colleague or manager or their working conditions.
• **Can an employee raise a grievance about a work matter not entirely within my control, say a customer who they have to deal with or to do with a client where they have to work at their business?**

Yes, such complaints should be handled the same as grievances completely within your organisation, with the manager investigating as far as possible and taking the necessary action.

You should make it clear to any third party that grievances are taken seriously and that action will be taken to protect your employees.

• **Who can accompany an employee at a grievance meeting?**

Usually a fellow worker without a conflict of interest, a trade union representative qualified to accompany a worker or an official employed by a union who can get to the meeting.

An employee can ask an official from any trade union to accompany them, regardless of whether they are in that union or it is recognised in that workplace.

However, some employees may have rights in their contract to be accompanied by a partner, spouse or legal representative.

Also, a colleague who has agreed to accompany the employee has a right to take a reasonable amount of paid time off to prepare for the meeting and attend it.

The employee should tell the employer who they have chosen as a companion.

For more on the companion, see [the Acas guide on discipline and grievances at work](#).

• **Can the employee suggest an alternative date and time for the grievance meeting?**

Yes, so long as it is reasonable and not more than five working days after the original date.

Also, the employee should be given sufficient time to prepare for the meeting.

• **What can a companion do at a grievance meeting?**

They can tell the employee’s side of the story, talk privately with the employee during the meeting, or respond to anything said at the meeting, including asking witnesses questions.

While the companion can answer questions for the employee, you have a right to insist the employee answers questions.

And a companion can only do what the employee says they can do. They cannot get in the way of you presenting your case.
Both sides should tell one another, and the person who will be chairing the meeting, who they will be calling as witnesses.

- **Does an employee have to have a companion at a grievance meeting?**
  
  Yes, if they want one, and the person they choose is a reasonable request and fits within the criteria outlined earlier in this tool.

  An employee whose employer fails to comply with a reasonable request for them to be accompanied can claim against the employer at an employment tribunal.

  An employee can also claim at a tribunal if the employer fails to re-arrange a grievance meeting to a reasonable date so the companion can attend.

  A tribunal may order compensation of up to two weeks’ pay.

  Employers should be careful not to disadvantage workers for using their right to be accompanied or for being companions, as this could also lead to a claim to a tribunal.

  An employer may also need to be flexible if the employee making the complaint is disabled. For example, they may request the presence at the grievance meeting of an expert who can explain the effects of their disability.

  Also, the request to be accompanied does not have to be in writing.

- **Does the employee making the complaint have a right to be accompanied at a grievance meeting into all complaints?**
  
  An employee has the right to be accompanied at a grievance meeting if they claim their legal rights or contract terms are being overlooked or flouted.

  So, an employee’s complaint about their pay rise would not invoke the right to be accompanied, unless a set increase was written into their contract or it was a claim for equal pay.

  And, for example, if an employee lodged a complaint that they could not park their car at work, again they would not have a right to be accompanied, unless a company car parking place was written into their contract or they were disabled and needed a car to get to work.

  However, it is generally good practice to allow an employee to be accompanied at a grievance meeting, even when their complaint does not concern a legal or contractual right.
• Acas often uses the word ‘reasonable’. For example, what is a reasonable amount of paid time off for a companion preparing for a grievance meeting? What does ‘reasonable’ actually mean?

The principle is to look at all the circumstances of the situation and weigh up the factors. If your judgment is based on rational, fair, sensible and unbiased thinking, an employment tribunal should view your action as reasonable.

A second test is to consider whether an outsider would consider your decision extreme or excessive. If you think they might, then so might a tribunal.

• So based on the answer to the question above, how do you judge whether an employee’s request to be accompanied by a certain person is reasonable?

What is reasonable will depend on the circumstances of the individual case.

But, for example, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the meeting.

Neither would it be reasonable for a worker to ask to be accompanied by a companion from a location far away when someone equally as suitable and willing was available on site.

• What if a witness wants to be anonymous?

That is allowed, but you should try to find other evidence that backs up what they said and think about why they’re testifying. Have they had personal issues with this employee?

Also, while you should give the employee being investigated a copy of the anonymous witness’s statement, remove from the copy the witness’s name and any details which would identify them.

• Should the employee give the employer a copy of their evidence before the meeting?

Yes. The employer will give the employee the facts from their investigation, including written evidence and witness statements with the letter inviting the employee to the grievance meeting.

It is only fair that the employee should do the same with their evidence, including witness statements and naming which witnesses they will be calling.

Any serious surprises – important new evidence - raised at the grievance meeting may mean it will have to be adjourned. The new evidence may need to be investigated before the meeting can resume at a future date.
• What if the employee raising the grievance is a trade union representative?
The same standards apply to trade union reps, but you may want to start discussing the complaint early on with a trade union official, if the employee agrees to it. This may help ensure the matter does not become seen unnecessarily as a union versus company issue.

How useful is this tool? Email webteam@acas.org.uk to let us know.

And if you want to find out more...
Download the Acas Code of Practice on discipline and grievance and the Acas guide on discipline and grievances at work.