

Undertaking a Grievance Investigation : **A Guide for Investigating Officers**

Introduction:

A grievance investigation normally takes place after the employee has explained his/her grievance at a grievance hearing. The hearing is normally adjourned so that the investigation can take place. Once the investigation is complete the hearing will be reconvened so that the findings can be discussed with the employee.

The investigation is usually conducted by the manager hearing the grievance, however in certain cases the investigation may be carried out by another officer.

As investigating officer your responsibilities are to:

- gather all the relevant facts promptly
- establish the exact nature of the grievance and the evidence to substantiate or refute this
- summarise your findings in an investigation report
- present evidence when the grievance hearing is reconvened after the investigation and answer questions as required
- attend any appeal hearing as a witness, where required

In carrying out an investigation you should:

- ensure the investigation is carried out as quickly as possible
- be thorough and fair
- remain impartial and objective, do not make assumptions
- consider whether there are any mitigating circumstances
- maintain confidentiality as appropriate
- seek supporting evidence, including both that which supports the grievance, and any that refutes the grievance
- talk to relevant witnesses appropriate to establish the full facts
- keep notes of investigation meetings
- compare statements and notes and attempt to resolve any discrepancies
- Where the findings of the investigation support the grievance, consider possible resolutions, including that suggested by the employee

The Process

Prepare :

- Familiarise yourself with the employee's grievance – fully consider the points that he/she has raised and any evidence he/she has put forward
- If you are not the manager who is hearing the grievance you will need to meet with the employee to gain a full understanding of his/her grievance. (*See the box headed 'Meet the employee' below*). If you are hearing the grievance, the employee will have already explained the grievance to you at the hearing
- Plan your investigation before you begin – consider what information you need to gather and how best to gather this. This will depend upon the nature of the grievance. For example where the grievance is about work location or equipment you may decide to make a site visit ; where the grievance is about a decision that the employee's manager has taken you may want to talk to the manager in the first instance.
- Before meeting with the employee and other witnesses, plan the questions you should ask. (*You can use appendices 1 and 2 to help you prepare.*)
- Plan where to hold investigation meetings - this needs to be in a private place that will be free from interruptions.
- You should take notes of key points raised at the meetings. These do not need to be verbatim. You should give a copy of the notes to the employee/witness following the meeting and ask them whether the/she would like to add anything to them. Where the employee/witness provides alternative notes of the meeting both versions should be included in the evidence supporting your investigation report.
- Throughout the investigation a member of Human Resources will be available to advise you, for example, in the preparation of questions.



Meet the employee (Where you are not hearing the grievance):

- Carefully read the employee's written grievance before meeting him/her
- Give the employee notice of the meeting so that they can prepare. Remind him/her of his/her right to be accompanied by a trade union representative or work colleague.
- Ask the employee to explain his/her grievance and how he/she would like it to be resolved.
- Use open questions to gain information, clarify the issues e.g. 'what happened then?' and to check your understanding of what has been said
- Where appropriate, ask the employee to provide evidence to support his/her grievance and ask if there is anything they would like you to include.

Meet witnesses :

You may decide it is not necessary to interview every witness, and a written and dated statement will suffice. Where you decide to meet with a witness, the following will apply

- You may wish to ask witnesses to write a personal statement prior to meeting with them. Where appropriate you could ask them to respond to certain questions.
- Where a witness provides a written statement you need to be happy that you have got all the information that you require from them and that there are no unanswered questions. If you are not satisfied you can reinterview the witness.
- Discuss with HR if a witness is unwilling to get involved
- Use open questions to gain information, clarify the issues e.g. 'what happened then?' and to check your understanding of what has been said
- Don't lead the witness, but do encourage them to concentrate on the main facts.
- Advise witnesses that their statements and responses to questions may be made available to the employee and to the management side. Witnesses also need to be made aware that they may be called to give evidence at a hearing.



Gather other evidence :

- Ask and seek supporting evidence to substantiate information provided by the employee and/or witnesses. Keep copies to use as supporting documentation.
- You may need to look at documents such as work rotas, attendance reports, shift/handover notes, incident reports, minutes of team meetings, one to one records, appraisal documentation, emails, letters, training records, development plans. Again, you will need to make copies, for supporting documentation.
- You may wish to compare records for different employees, for example where the employee's grievance is that he/she believes that he/she has been treated less favourably.
- You may wish to carry out a site visit and make sketches.

Preparing an investigation report:

Once you have completed the investigation you will need to write a report, which you should give to Human Resources, to be included in the documentation used the reconvened grievance hearing.

Where you are the investigating officer, but not the manager hearing the grievance you should give a copy of your report to that manager.

Your report should be clear, concise and presented in a logical format. It should:

- Outline the grievance
- Provide full supporting evidence. Make sure you include all the relevant facts so that it would make sense to someone unfamiliar with the case.
- Refer to supporting evidence in the appendices as appropriate.
- Where the findings of your investigation substantiate the employee's grievance you should list available options for resolution, including that preferred by the employee, stating any pros and cons of these.

Appendix 2 provides a suggested format for the investigation report.

Appendix 1

Preparing questions

It is important to prepare questions before you meet with any relevant people as part of your investigation. A member of Human Resources can help you with this.

Think about the grievance that has been raised and what facts you need to gather. Questions may include:

- Why was the decision made?
- What other options were/are available?
- Are there any records that substantiate/refute the grievance?

Witness statement

Witness statements should contain the following:

- The name and job title of the person giving the statement
- Summary of the grievance being investigated
- The reason for the witness being able to comment on the issues
- Facts that can be provided by this person.
- Sketch or plan if appropriate
- Date, time and place the statement was taken
- The signature of the witness.

Appendix 2

Format of a grievance investigation report:

Introduction:

Background information relating to the employee:

- Name and job title of the employee
- Hours of work etc

Background information about the workplace, such as:

- Environment
- Staffing levels
- Type of clients
- Workload and shift pattern

The Grievance:

Specify the grievance and how the employee would like to see it resolved. Refer to the employee's written grievance. (*Attach a copy of this as an appendix*)

Investigation:

- Who conducted the investigation (*Your name, job title and service area*)
- How the grievance was brought to your attention
- How you carried out your investigation
- Refer to the sources of information that you accessed
- Refer to any witness statements, and clarify why these are relevant

Statement of case

From the information that you have gathered, state the grievance and state whether your investigation substantiates or refutes this, cross referencing to documents/statements within the appendices as appropriate:

- Highlight the salient points of statements
- Explain the correct procedures
- Refer to any additional supporting evidence

Possible solutions

Where your investigation has substantiated the employee's grievance state the employee's preferred resolution. List any pros and cons with this approach.

Specify any other realistic solutions, listing pros and cons for each

Notes:

- *All documentary evidence that supports your investigation (e.g. witness statements, rotas, training records) should be included as appendices and cross referenced through out the report.*
- *You can seek further advice from Human Resources if you are unsure about what you should include.*

Appendix 3

Time-scales : Guidelines for the Grievance Investigation:

To ensure a fair process, the investigation needs to be carried out promptly. As investigating officer it is important you treat the investigation as a priority.

All cases are different and timescales will vary from case to case depending upon the complexity of the grievance, but the following provides a guide as to the duration of each stage of the investigation. If timescales are slipping, contact HR.

