



## STATUTORY GRIEVANCE PROCEDURES

There are two types of grievance procedure: the 'standard' and the 'modified'.

As with the disciplinary procedures, a failure to comply with this procedure can result in a finding of automatically unfair dismissal. Conversely, an employee cannot now put in a claim to the Employment Tribunal (except for unfair dismissal) unless he has followed the grievance procedure. Any claims where the procedure has not been followed will be automatically rejected.

Furthermore, a Tribunal has the power to decrease any compensation awarded by the tribunal by up to 50% if an employee has failed to comply with the procedure.

### Standard Procedure

There are three steps to the standard grievance procedure:

#### Step 1

An employee must set out a statement of his grievance in writing and give a copy to his employer.

#### Step 2

The employer must then invite the employee to attend a meeting to discuss the issues raised in the grievance. The meeting must not take place unless:

- The employee has informed the employer of the basis for the grievance
- The employer has had a reasonable opportunity to consider his response

The employee must take all reasonable steps to attend the meeting, and after the meeting, the employer must inform the employee of his decision.

### Step 3

If the employee wishes to appeal, he must inform his employer. The employer must then invite the employee to attend a further meeting and the employee must take all reasonable steps to attend.

After the meeting, the employer must inform the employee of his decision.

### Modified Procedure

The modified procedure is a two step procedure and may be used more in practice than the modified disciplinary procedure. An example of where the modified procedure may be used is where the employee has already left his employment, but wishes to bring a grievance about a matter that occurred in the course of his employment.

### Step 1

The employee must set out in writing the grievance, the basis for it and send a copy to the employer.

### Step 2

The employer must set out his response in writing and send a copy of it to the employee.

There are also some general requirements that apply to all of these procedures:

- Each step and action taken under the procedure must be taken without unreasonable delay
- The timing and location of the meetings must be reasonable to both parties
- The meeting should be conducted in a manner that allows both parties to explain their case?
- In the case of appeal meetings, where reasonably practicable, a more senior member of management should represent the employer

Whilst the statutory procedures can appear somewhat complex at first glance, in practice, they should be relatively easy to implement and follow. And of course, if followed correctly, could well save an employer from an Employment Tribunal claim.

If you have any concerns about the above, you can contact our Employment Law team for some free advice.

**Should you require further information about how our Employment Law team can help you - just call 0800 040 73 99 – and one of our specialist advisors will be pleased to assist.**

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