



Members of Parliament Best Practice Guide Grievance

**House of Commons
Members' HR Advice Service
Members' Services Team**



Contents

- Introduction..... 4**
- Summary 5**
- Informal resolution 5**
- Confidentiality..... 7**
- Mediation 7**
- Employee wellbeing..... 8**
- Formal hearing..... 9**
- Investigation 10**
- Outcome..... 12**
- Appeal 13**
- Bullying, harassment & sexual misconduct 14**
- Whistleblowing..... 15**
- Vexatious or malicious grievances 15**
- FAQs 16**
- Appendices 22**

Introduction

This document forms part of a collection of best practice guides created by the Members' HR Advice Service which sits within the Members' Services Team. The guides are designed to support Members in their roles as employers and give practical, step by step advice on employment practices. You are invited to follow this guidance, in conjunction with guidance from the Advisory, Conciliation and Arbitration Service (ACAS) and the Independent Parliamentary Standards Authority (IPSA) standards and rules.

We understand that there is a lot of information to go through, and whilst we encourage all Members and staff to first refer to this document, further support on any aspect of this document can be obtained from the Members' HR Advice Service, part of the Members' Services Team, on 0207 219 2080 or **membershr@parliament.uk**.

Members staff are also able to contact the Members' staff engagement team at MST@parliament.uk or on 0207 219 4141 if they require further information on this guide.

Whilst every attempt has been made to ensure its accuracy, this document is for guidance purposes only in order to provide Members with general information and an understanding of HR best practice. This document should not be construed as legal advice or used as a replacement for advice from the Advisory, Conciliation and Arbitration Service (ACAS).

Summary

This best practice guide aims to enable Members and their HR proxies to effectively respond to and investigate grievances fairly and consistently.

Grievances are generally defined as complaints or concerns that an employee raises with their employer. Employees may encounter a range of concerns or problems during their employment. For example, they may have a concern about something they are being asked to do as part of their job; the terms & conditions of their employment; or the way they are treated at work. In more serious cases an employee may have a complaint of bullying or discrimination, wrongdoing which is better defined as whistleblowing, or sexual misconduct.

If an employee raises an issue, it is important to act swiftly to try to resolve the matter. Resolving grievances at an early stage will help to keep staff feeling motivated and valued, prevent damage to working relationships and avoid major difficulties arising. It will also avoid what can be an inordinate amount of time endeavouring to resolve matters.

Often it is preferable to resolve a grievance informally and it is strongly encouraged that every effort is made to reach an informal conclusion wherever possible before taking more formal action.

If the nature of the grievance is very serious or if the informal stage has been exhausted, it may be necessary to take formal action. This document provides guidance about the best practice approach to informal and formal grievance resolution in line with the [ACAS Code of Practice on disciplinary and grievance procedures](#).

Informal resolution

It is often possible to resolve grievances informally without escalation to a formal process. In teams with a culture of open communication, problems and concerns are often raised and resolved throughout working relationships. Employees and employers should aim to settle grievances informally wherever possible. This is facilitated by employees having regular opportunities to discuss their concerns with their line manager. Holding regular one-to-one meetings is a good way to address employee concerns before they escalate into bigger issues. You can read more about one-to-one meetings in our [best practice guide to appraisals and one-to-one meetings](#).

If an employee brings a grievance to their line manager or their employer's attention, whether in writing or orally, it is important to act on this as soon as possible. If grievances aren't dealt with swiftly, this can result in the problem growing and escalating into a larger issue which will be more difficult and time-consuming to resolve. It can also result in significant upset for the employee(s) involved which could impact their wellbeing and performance.

It is important to always give due consideration to any protected characteristics that may mean a particular work process/ practice puts the employee at a disadvantage or may result in the employee with a protected characteristic requiring reasonable adjustments. Failure to fully consider this may result in the employee raising a grievance or, in cases where the employee does not feel the matter is resolved, this could lead to further action through the Employment Tribunal. Contact the Members' HR Advice Service for guidance.

Keynote!

The Equality Act (2010) states that employers must not discriminate against a job applicant or employee because of a protected characteristic. The legislation identifies nine protected characteristics as follows:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage or Civil Partnership
- Pregnancy or Maternity

It is, therefore, important to ensure that any work policies or procedures are not putting employees with a particular protected characteristic at a disadvantage.

You can read more about the Equality Act (2010) and employer's obligations in appendix 1.

If an employee expresses that they have an issue or concern, it is best to first arrange an informal meeting with the employee to discuss the issue and gain a better understanding of the problem and what the employee is hoping to achieve through raising this with you. It is best to take time to consider what has been discussed and/or gather other information and consider the options. We would suggest you keep an open mind about the situation until you have had an opportunity to discuss the matter with the employee. You may have a preconceived idea of what is involved, and you may be surprised by what they tell you.

If the grievance is about another member of staff, it is important to deal with this sensitively and to take time to speak to the other staff member to gather the facts of the case. It is important that you remain open-minded and neutral when discussing the issue with the employee so that you can fully understand the problem from the other employee's point of view.

Once you have taken time to consider the facts, it is recommended that you arrange another informal meeting with the employee to discuss the situation and your decision/solution.

It is important that you keep some brief notes of your discussions and it can be beneficial to follow up any informal meetings with an email to summarise your discussion and anything that has been agreed.

If there is an ongoing issue between staff, you may want to consider mediation as a way to resolve the conflict and improve relationships.

If it is not possible to resolve the issue informally or if the nature of the grievance is so serious that informal action is inappropriate, you may need to begin a formal grievance process.

Confidentiality

If a grievance is raised, it is important that confidentiality is maintained by anyone involved in the process, including the person who raised the complaint. The grievance should not be discussed with anyone unless there is a genuine need, e.g. for the manager to verify the facts of the case; or for the employee to discuss the case with their trade union representative. If it is necessary to discuss the case with others, the importance of confidentiality should be made clear. If anyone is found to have breached confidentiality this may be considered a disciplinary issue. Contact the Members' HR Advice Service for guidance.

Mediation

Mediation is a process which helps to resolve a conflict between staff members. While mediation shouldn't be used as a first resort or instead of an employee discussing issues with their line manager or with each other, mediation can be beneficial in cases on ongoing conflict.

It could be helpful to consider mediation at any stage of a grievance. If mediation occurs when the formal grievance has begun, the formal process should be temporarily paused while mediation is ongoing.

Keynote!

You can read more about [mediation at work](#) on the ACAS website.

Mediation is a voluntary and confidential process. Employees do not have to take part in mediation if they do not want to and all parties need to agree to mediation before the process can begin. The mediator should agree with everyone what information can be shared outside mediation and if an agreement is not reached, anything said during mediation must be kept confidential and cannot be used in future procedures.

The mediator is an independent, impartial third party who is there to facilitate the process and assist the people involved in finding a resolution. Their role isn't to pass judgement or to tell the people involved what to do. The aim of mediation is to look to the future by finding solutions, improving communication, and seeking agreement from everyone involved.

The outcome of mediation is decided by the people involved, not the mediator. These outcomes can vary but some examples are:

- ❖ an acknowledgement of each other's views
- ❖ a commitment to change behaviour
- ❖ a commitment to communicate differently
- ❖ an agreement to review policies
- ❖ an agreement to share work more fairly

Mediation can help to reduce stress and keep valuable employees as well as avoid any further grievances being raised. Mediation can also be a helpful way to rebuild relationships following completion of a grievance or disciplinary process. This could be essential for the smooth running of your office.

Keynote!

As a small organisation, using an external mediator can be a good option to ensure that the mediator is impartial and neutral. The cost of an external mediator can generally be claimed back through IPSA, provided you have the budget available.

ACAS can provide external mediators and you can find more information about their mediation service on the ACAS website: [ACAS Mediation Support](#)

Employee wellbeing

Cases of a dispute between colleagues or an ongoing grievance can take a toll on staff. It can be distressing for the person raising the grievance, the subject of the grievance and anyone else who may be involved in the process. Therefore, it is important to check in with staff regularly to see how they are doing and offer wellbeing support where needed.

If you are discussing staff wellbeing and an employee brings up the stress of an ongoing process, it is best to avoid discussing the specifics of the case with them in that meeting, particularly if a formal process is underway. It is important to remain neutral and not pass judgement. Instead focus on how they are, what support they need and ensure they are aware of the support available.

The [Employee Assistance Programme](#) run by Health Assured is available to all staff. They offer free, confidential advice and support on a range of topics as well as offering counselling services. They are available 24 hours per day, 365 days per year.

If you are concerned about a staff member or require guidance on how best to support staff, contact the Members' HR Advice Service.

Keynote!

As well as being a useful resource to support staff wellbeing, the Employee Assistance Programme (EAP) also offers advice to managers to help them support employees with difficult situations.

You can find useful resources on their online portal:

<https://healthassuredeap.co.uk/>

Username: House Password: Parliament

Formal hearing

In some cases, the nature of the grievance is so serious that it is necessary to launch a formal grievance process straight away. A formal grievance process may also be appropriate if it has not been possible to resolve the issue informally or if the employee raising the grievance is clear that they would prefer for the grievance to be dealt with in this way.

For a grievance to be investigated formally, you must first ask the employee to put the details of their grievance in writing, if they haven't already. Once you have received the written grievance a formal meeting should be arranged, without unreasonable delay, to hear the grievance.

The purpose of the grievance hearing is for the employee to present their grievance and further explain the details as set out in the written grievance. You may ask the employee questions to help you gain a full understanding of the issue and the circumstances, explore if there are any witnesses and firm up on any dates and times of alleged incidents. It can also be helpful to ask the employee how they feel their grievance should be resolved and what they are looking for in the way of an outcome.

The grievance hearing can be held by the employee's line manager, or a more senior member of staff provided they are not the subject of the grievance. The MP may be required to hear the grievance if they are the employee's manager or if the employee's manager is the subject of the grievance. If an employee has raised a grievance about their MP's behaviour, this should be directed to the Independent Complaints & Grievance Scheme. Contact the Members' HR Advice Service if you are unsure who should hold the grievance hearing.

The invitation to a formal meeting must be in writing with a minimum 48 hours' notice, although it is best practice is to give 1 week's notice. The employee must be given the

right to be accompanied by a trade union or MAPSA (Members' and Peers' Staff Association) representative or a work colleague if they would like.

It is also recommended that you have a notetaker to enable you to concentrate on the meeting, however you may choose to take notes yourself, if you prefer. The notes should be the gist or the discussion, not verbatim, and circulated after the meeting. Please ask the employee to sign a copy of the notes and return them to you. The employee can suggest amendments if they do not believe the notes reflect the key points discussed, but if you are not comfortable accepting substantial changes, the amended notes can always be kept alongside the original notes.

Keynote!

The Members' HR Advice Service can provide template letters and other supporting documentation.

No decisions should be made during the meeting, instead time should be taken to consider everything discussed and any evidence before deciding on next steps. It is good practice for the chair of the meeting to confirm at the end of the meeting their understanding of the key points of the grievance and what they will be considering and investigating. It is also helpful to give some idea of the anticipated timescales, taking into account current work commitments, annual leave and any other matter which may play a part in the chair giving an outcome to the grievance.

Following the hearing, you may decide that you need to gather more evidence and therefore investigate the grievance further.

Investigation

Depending on the nature of the grievance you may need to gather more information to allow you to make a fully informed decision, following the grievance hearing. The purpose of the investigation meeting is to establish the facts of the case and to gather evidence. The investigation may involve gathering evidence such as pay information, email trails, screenshots etc and it may also require you to speak with other people.

If the grievance has been raised about another employee (the respondent), it is recommended that you arrange a meeting to put the details of the grievance to the respondent to hear their version of events. You can ask probing questions around the allegations and the context so that you have a full picture. It is important that you remain neutral throughout the meeting and do not form a judgment at this stage.

As this is a formal meeting, the respondent should be invited in writing with a minimum 48 hours' notice, although it is best practice is to give 1 week's notice. The employee must be given the right to be accompanied by a trade union or MAPSA representative or a work colleague if they would like.

Keynote!

The employee's companion should be allowed to address the meeting, to sum up the employee's case and to confer with the employee during the meeting.

The companion does **not** have the right to answer questions on the employee's behalf, to prevent you from explaining your case or to address the meeting if the employee does not wish them to do so.

As part of the invite to the investigation meeting, you will need to disclose at least an overview of the details of the grievance to the respondent. It is a judgement call whether the original written complaint is revealed, unedited, or whether just key points are presented to the respondent. This can be a hugely upsetting time for the respondent and sensitivity is best employed to help build back better relations between the complainant and respondent in the future. Please get Members' HR Advice support if you are in any doubt about what should or should not be disclosed to the respondent in the way of the complaints against them.

We would also recommend that in the meeting you have a notetaker to enable you to concentrate on the conversation you are having. However, you may choose to take notes yourself, if you prefer. The notes do not need to be verbatim but should accurately capture the discussion. The notes should be circulated after the meeting and the employee asked to sign a copy of the notes and return them to you. The employee can suggest amendments if they do not believe the notes reflect the key points discussed.

As part of the investigation, you may also need to gather witness statements. This can be done by asking a witness to submit a statement about a particular incident in writing or sending a series of questions about the grievance to the individual for them to respond in writing. However, in a complex grievance case it can be more beneficial to arrange a meeting with the witness which will allow you to hear their account and ask any additional questions. In this case, it is advisable to arrange the meeting formally by inviting them in writing and giving them the opportunity to be accompanied by a trade union or MAPSA representative or work colleague if they would like. It is also recommended that you arrange for a notetaker to be present.

If a particular incident is alleged to have happened which has triggered the grievance being raised and if there are witnesses, it is a good idea to get the witnesses to write a statement about what happened as soon as you know about it. This gives better assurance that facts are fresh in witnesses' minds – it is surprising how memories fade and can be distorted with the passage of time. Any witness asked to give a statement should ask to

be as factual as possible. The witness also needs to keep the fact they have been asked to write a statement confidential. The statement should be signed and dated.

Some witnesses may be reluctant to give a statement, fearing repercussions, or concerned that they won't be able to work with the person in the future. In these circumstances it is best to reassure the employee that everything will be done to keep the information confidential and, in the most understanding way you can, you might want to remind the employee of their responsibilities to the employer to cooperate and follow reasonable management instruction. This can be a difficult conversation to have and Members' HR Advice are more than happy to talk through the options with you before you have that conversation with a potential witness.

In some situations, it may be possible to anonymise witness' statements, but this should not be promised. From a practical point of view, when there is a small team, the possibility of effectively anonymising a statement so that a person cannot be identified is, in reality, not very likely and often the reassurance that the witness is doing the right thing has a more positive impact.

Contact the Members' HR Advice Service for further advice and template letters.

No decisions should be made during the meetings, instead time should be taken to consider everything discussed and all the evidence before making your decision.

Outcome

Following the grievance hearing and any necessary investigation, you should take time to consider everything discussed and the evidence available. You can then make a decision about whether the grievance is upheld, partially upheld, or not upheld. If there was more than one complaint (point) raised, ideally you will give an outcome to each point. This outcome should be communicated to the employee who raised the grievance in writing without unreasonable delay.

You may find the process of deciding an outcome easier if you put your findings together in a report. This is especially helpful if there are several points to the grievance or it is complex. The Members' HR Advice team can help with a template report document.

Keynote!

Contact the Members' HR Advice Service for template documents and guidance.

You may also wish to take certain steps or make recommendations to resolve the issue and these may be detailed in the outcome letter provided they do not breach another staff member's confidentiality.

The employee should be given the right of appeal if they are not content with the outcome. The grievance outcome letter should set out how to make an appeal, who it needs to go to, and the deadline for submitting an appeal.

The details of the grievance outcome should not be shared with anyone other than the complainant, including any witnesses and the respondent. However, depending on the nature of the case, in most cases it is advisable to inform a respondent about whether the case has been upheld or not, bearing in mind this can be a very upsetting time for them, too. However, you should not inform the respondent about any measures being taken to resolve the matter unless it is relevant to them. They should not be given a copy of the outcome letter or report, which is confidential to the complainant.

If the grievance has been upheld and is about the behaviour of another staff member, you may need to take further steps with that employee. For example, you may need to address misconduct through a disciplinary process. If this is the case, the person who raised the grievance should not be given details about what action you are taking including what process you are following, or any sanctions given as a result. This information is confidential. It is sufficient to simply say in the outcome or if the claimant queries separately or later that you will be taking appropriate action.

Contact the Members' HR Advice Service for guidance.

Appeal

When issuing the outcome of the grievance to the person who raised the grievance, they should be given the right of appeal. It is usual to give the employee 1 week from when they received the outcome to appeal.

The employee should submit the reasons for their appeal in writing and you should then arrange an appeal hearing within a reasonable timeframe – usually within 14 days.

The basis of the appeal is generally as a result of the complainant feeling:

- ❖ The grievance outcome is wrong
- ❖ Any part of the grievance procedure was wrong or unfair
- ❖ They have new evidence to show

However, please be mindful that you should hear the appeal even if the grounds for appeal do not fit within the above criteria. If in doubt, please contact Members' HR Advice.

The person who hears the appeal and carries out any further investigation, in larger organisations, is likely to be someone who was not involved in the case or someone more senior. This could well be deemed not possible with an MP's office as it is a small organisation and it is likely to be the MP who hears any appeal, whether they were the investigator for the original grievance outcome or not. This is allowed in Acas guidance. Please contact Members' HR advice to discuss if you are in any doubt.

The appeal hearing should be a formal meeting; therefore, the employee should be invited in writing with a minimum 48 hours' notice and be given the right to be accompanied by a trade union or MAPSA representative or work colleague. We would also recommend that you have a notetaker present.

The purpose of the appeal hearing is to give the employee the opportunity to present their case in relation to appealing the outcome of their grievance, to present any new evidence, and for you to ask any clarifying questions. You should not make any decisions during the meeting, instead you should take time to consider everything discussed in the meeting before making your decision.

Once you give the outcome to the appeal, that completes the internal appeal process.

If you receive an appeal, contact the Members' HR Advice Service for further guidance including template letters.

Bullying, harassment & sexual misconduct

The [Independent Complaints and Grievance Scheme \(ICGS\)](#) is available for all current and former members of the parliamentary community who have been affected by bullying, harassment and sexual misconduct. The ICGS is confidential and independent of Parliament. The helpline is delivered by [Victim Support](#), a charity providing specialist support services to those affected by traumatic events, and they provide independent advice and information about the options available including information about dealing with an issue informally, raising a formal complaint and how to access legal advice. The ICGS also provides emotional support and information about available support services.

If an employee has raised a grievance about another employee, accusing them of bullying, harassment, or sexual misconduct, you can ask them if they would prefer for you to investigate the claims or whether they would prefer to raise this through the ICGS. If they would prefer to take the complaint through the ICGS you can offer support to the employee and signpost to services such as the [EAP](#).

However, if the employee says they would prefer for the matter to be investigated by you, you will need to undertake an investigation internally. It is important that the investigation is approached sensitively. Allegations of this nature are emotive, and the investigation process can be distressing for all involved, therefore it is important that time is taken to ensure staff wellbeing and offer support (see above section "Employee Wellbeing"). Please contact the Members' HR Advice Service for guidance.

The complaint cannot be investigated by both the ICGS and an internal grievance process.

Keynote!

If an employee wishes to raise a grievance regarding bullying, harassment, or sexual misconduct about their MP, they should be directed to the ICGS. It would be inappropriate for the MP to investigate a grievance about their own behaviour. If you receive a grievance of this nature, contact the Members' HR Advice Service for guidance.

Whistleblowing

Whistleblowing is when information about wrongdoing in the workplace is disclosed. A disclosure of this kind is made in the public interest. This could include reports about:

- ❖ a criminal offence e.g. fraud
- ❖ health & safety risks
- ❖ environmental damage or the risk of environmental damage
- ❖ a miscarriage of justice
- ❖ the office is breaking the law e.g. by not being properly insured
- ❖ belief that wrongdoing is being covered up

Personal grievances are not considered whistleblowing unless the case is in the public interest.

Any concerns should be reported to the employer in the first instance. If an employee brings information about wrongdoing to the attention of their employer, they are protected under the Public Interest Disclosure Act.

The Public Interest Disclosure Act protects employees from suffering a detriment as a result of making a public disclosure. If a whistleblowing complaint is raised with you, it is important to take appropriate action and investigate this as soon as possible and to treat the employee fairly.

If an employee is dismissed because they have made a protected disclosure, this will be considered an unfair dismissal.

Contact the Members' HR Advice Service as soon as possible if you receive a whistleblowing complaint.

Vexatious or malicious grievances

It is important that every grievance is considered on its own merits and it should be assumed that the complaint has been made in good faith. However, on a rare occasion, an employee may make a vexatious or malicious complaint.

- ❖ A vexatious grievance is one which is being repetitively pursued without foundation in order to harass, annoy or subdue someone.
- ❖ A malicious grievance is one that is raised with the intention of causing harm.

Vexatious and malicious grievances are very difficult to identify, and employers should be cautious about drawing this conclusion.

If you think a grievance you have received may be vexatious or malicious, contact the Members' HR Advice service for guidance before taking any action.

FAQs

1. Can I carry out the formal meetings remotely?

Where possible it is best practice to hold the meetings face-to-face or via video call if you are working remotely. In exceptional circumstances the meetings may be held over the phone. In certain unusual circumstances a grievance can be dealt with via correspondence. If in doubt, please contact Members' HR Advice for guidance.

2. Can I record the meeting?

It is not advisable that you record the meeting, and it is recommended that you ask other attendees in the meeting to also confirm they are not recording. There are various GDPR implications for recording, such as getting the appropriate consent and ensuring it is recorded and stored securely. The written notes from the meeting will be sufficient, these notes do not need to be verbatim but should capture the discussion.

3. My employee raised an issue informally which was investigated; however, the employee is unhappy with the outcome. They do not want to raise a formal grievance.

If the informal process has been exhausted and the employee is still unhappy with the outcome, the next step for them to progress the matter is to raise a grievance formally. If the employee does not wish to raise the matter formally, you can inform the employee that as the informal stage has been exhausted you will be taking no further action at this stage. This should only be done if there is no other informal action which can be taken, contact the Members' HR Advice Service for guidance before taking this course of action.

4. My employee is refusing to attend the grievance hearing/ investigation meeting.

If the employee is refusing to attend the meeting without a good reason, it is recommended that the meeting be rearranged at least once to allow them the opportunity to attend. When inviting them to the re-arranged meeting, you may let the employee know that if they fail to attend, the meeting may go ahead in their absence. Contact the Members' HR Advice Service for guidance and letter templates.

If the employee fails to attend the re-arranged meeting without good reason, the meeting may then go ahead in their absence, and you will need to make a decision based on the evidence you have gathered without the employee's input. This should be avoided wherever possible. Contact the Members' HR Advice Service for guidance.

5. My employee wants to be accompanied to the formal meetings by someone who isn't a trade union or MAPSA rep or work colleague.

The employee may request to be accompanied to the meeting by someone who isn't a trade union/MAPSA representative or a colleague. In this case, it is at your discretion whether you deem the request reasonable and are happy to allow that person to accompany them. The employee should give you the name of the person they would like to accompany them and explain who they are with enough notice for you to consider their request.

If you consider their request to be unreasonable or if you believe there may be a conflict of interest with the person they have requested accompany them, it is reasonable for you to decline their request. You should explain the reason why you do not consider their request reasonable in your response.

If you allow the employee to bring someone who is not a trade union/MAPSA representative or a colleague, their role will simply be to support the employee, it will not be to take part in the meeting, other than to ask for a break, should the employee be unable to ask for one themselves.

Contact the Members' HR Advice Service for guidance.

6. My employee has asked to postpone the meeting because their trade union representative is not available.

If the employee's companion is not available at the scheduled time for the meeting, you should postpone the hearing at least once to enable the companion to attend. The meeting should not be delayed by any more than one week from the original meeting date.

If the employee's companion is not available for a rearranged meeting within one week of the original date, the employee should take steps to arrange for a different companion to attend with them.

Contact the Members' HR Advice Service for further guidance.

7. My employee has been signed off sick during the grievance process, what should I do?

In the event that the employee is signed off sick during the grievance process, contact the Members' HR Advice Service for further guidance before taking action.

Generally, if your employee goes off sick during the grievance process, it is reasonable to rearrange the formal meeting(s) to give the employee the opportunity to take part fully in the meetings. This does not mean, however, that the investigation should be postponed indefinitely if the absence is long term. Having an unresolved grievance can place additional stress on individuals and therefore it is best to resolve these issues as quickly as possible. This may mean that formal meetings may be scheduled during an employee's period of sickness.

In cases of long-term absence or where there is an underlying condition it may be necessary to seek advice from an occupational health practitioner or GP about the ability of the employee to take part in these meetings. Where the employee is deemed unfit to take part, you could explore alternative options such as a representative taking part in their place or for the employee to take part in writing.

Each situation will be different and requires management discretion about what is reasonable and fair, therefore it is important to seek advice in advance from the Members' HR Advice Service. You can also find more information in our [Best Practice Guides to Absence Management](#).

8. My employee has raised a grievance while they are being taken through a disciplinary process, what should I do?

In the event that the employee raises a grievance during a disciplinary process, contact the Members' HR Advice Service for further guidance.

Depending on the circumstances and nature of the grievance you may decide to temporarily suspend the disciplinary process to deal with the grievance, however a reasonable course of action could be to deal with the disciplinary and grievance process concurrently to avoid any unnecessary delays.

Any grievances raised about the MP's behaviour should be directed to the Independent Complaints and Grievance Scheme.

9. What should I do if my employee reacts badly during a formal meeting?

It's important to be clear at the beginning of the meeting that the employee or their companion may ask for a break at any time. If the employee becomes upset, you may suggest that you take a short break to allow the employee time to compose themselves before proceeding with the meeting. If the employee is too upset to continue the meeting,

you may decide to bring the meeting to an end and rearrange the meeting for another date.

If the employee reacts aggressively, e.g., by shouting or swearing, during the meeting, it is important that you are clear that this type of behaviour is unacceptable. If this behaviour continues, you may suggest you take a break, so the employee has the opportunity to calm down. If the poor behaviour continues, you can bring the meeting to a close and rearrange it for a later date. The poor behaviour in the meeting may be considered misconduct and be managed through a disciplinary process. Contact the Members' HR Advice Service for guidance.

When an employee swears or is rude during a meeting, it can feel odd to include this in the meeting notes, however, it is important that this reaction is captured to give an accurate record of the meeting, particularly if this may affect your decision making later in the process. Words should be spelt in full and asterisks or other signs not used.

10. I have upheld a grievance about the behaviour of another staff member. I want to address the misconduct through a disciplinary, do I need to hold a further formal investigation through the disciplinary process?

If you have identified that there is a case to answer for misconduct through the grievance investigation, this can be used to facilitate moving straight to a disciplinary hearing without holding a second investigation. However, if you feel you need to gather additional evidence, you may wish to further investigate. Any evidence being relied on in the disciplinary must be shared with the employee prior to the formal discipline hearing.

See our [Best Practice Guide to Managing Misconduct](#) and contact the Members' HR Advice Service for guidance.

11. An employee has raised a grievance against one of their colleagues, should I suspend the person who is the subject of the grievance while the investigation is ongoing?

In rare cases suspension may be considered necessary due to a potential risk posed to the business or employees while the allegations are investigated. Suspension should only be used in the most serious cases and as a last resort. However, if suspension is deemed necessary, the employee should remain on full pay and the period of suspension should be as brief as possible.

It should also be considered whether one or both employees involved are suspended. To suspend just one person may give the perception that you have already made a decision about an individual's guilt or innocence

Suspension is **not** a disciplinary sanction. If you are considering suspension, please contact the Members' HR Advice Service to discuss this in advance of any action being taken to suspend an employee.

12. An employee has raised a grievance because they are unhappy about the outcome of another process (e.g. flexible working request/ disciplinary sanction,) what should I do?

If an employee is unhappy with the outcome of another formal process, they may wish to appeal that outcome through the appropriate appeals process. If the employee has already appealed, there is no further right of appeal.

If an employee raises a grievance about the outcome of another process which they have already appealed, it may be reasonable for the employer to refuse to accept it. They could do this on the grounds that it is a repetition of the issues raised and therefore they have already been formally considered.

If you are considering refusing to allow a grievance, please contact the Members' HR Advice Service in advance.



Appendices

Appendix 1: The Equality Act

The Equality Act (2010) states that an employer must not discriminate against their employees through the terms of employment; in the way they are given access to opportunities, training, promotion, or other benefits; through dismissal or by subjection to any other detriment. Discrimination, in turn, is less favourable treatment based on one or more of an employee's protected characteristics.

There are nine protected characteristics:

- ❖ Age
- ❖ Disability
- ❖ Gender reassignment
- ❖ Marriage or civil partnership
- ❖ Pregnancy or maternity
- ❖ Race or ethnicity
- ❖ Religion or belief
- ❖ Sex
- ❖ Sexual orientation

There are different types of prohibited conduct:

- ❖ **Direct discrimination** – treating an employee unfairly because of a protected characteristic.
- ❖ **Indirect discrimination** – putting rules or policies in place that put people with a protected characteristic at an unfair disadvantage.
- ❖ **Discrimination against disabled employees** because of a consequence of their disability.
- ❖ **Failure to make reasonable adjustments** for an employee with a disability.
- ❖ **Harassment** – unwanted behaviour linked to a protected characteristic that is found offensive or violates a person's dignity.
- ❖ **Victimisation** – treating someone unfairly because they have complained about discrimination

The Equality Act (2010) also protects people from being discriminated against because they are associated with someone who has a protected characteristic. This is known as “**associative discrimination**”.

In addition, people are protected from being discriminated against because they are perceived to have a protected characteristic even if this is incorrect. This is known as “**discrimination by perception**”.

Appendix 2: Useful links

LINKS	
ACAS	https://www.acas.org.uk/
ACAS – Code of Practice on disciplinary and grievance procedures	https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html#grievance:-keys-to-handling-grievances-in-the-workplace
ACAS – Mediation at work	https://www.acas.org.uk/mediation
ACAS – Mediation support	https://www.acas.org.uk/acas-mediation-support
Intranet – Employee Assistance Programme	https://intranet.parliament.uk/employment/health-and-wellbeing/employee-assistance-programme-eap--health-assured/
Intranet – Individual Assistance Programme	https://parlinet.parliament.uk/working-here/health-safety-wellbeing/phws/phws-members/phws-members-iap/
Intranet – Members’ HR Advice Service	https://parlinet.parliament.uk/working-here/members-hr-advice-service/members-hr-exit/
Intranet – Members’ Services Team	https://parlinet.parliament.uk/teams/house-of-commons/people-culture/members-services-team/
Intranet – Independent Complaints & Grievance Scheme	https://intranet.parliament.uk/people-offices/offices-departments/bi-cameral-offices/icgp1/get-support1/icgs-helpline/
Victim Support	https://www.victimsupport.org.uk/
Gov.uk – Public Interest Disclosure Act	https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2
Gov.uk – Whistleblowing for employees	https://www.gov.uk/whistleblowing