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Monday Morning Dispatch

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MONDAY MORNING DISPATCH
BY Chadwick Lawrence

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

This week on the Legal Alternative Sam gives us a brief overview on handling AI grievances following on from our recent seminar

This weeks article focuses on the importance of following process when it comes to handling grievances.

Speaking of following due process... the mock tribunal, our biggest event is back! Tickets are available now and going fast so don't miss out!

The Legal Alternative Podcast

This week on the Legal Alternative Sam gives us a brief overview on handling AI grievances following on from our recent seminar, covering legal updates and

If you have a topic you would like to discuss or fancy a spot on the pod please reach out to emilyshepherd@chadlaw.co.uk



In the News

Workplace allegations: Why a full and fair grievance process matters.





A recent case provided an extreme example of the damage that dishonest workplace allegations can cause. A sales employee was found to have produced false evidence and misled both her employer and the employment tribunal while pursuing sex discrimination and unfair dismissal claims. The conduct included false claims about CCTV footage, fabricated medical notes relating to cancer treatment, invented witnesses and a statement given to the police in the name of a fictional witness.

Whilst the facts were extreme, this case was a clear example that just because allegations are serious, it does not mean that they are automatically true. An employer should neither dismiss an allegation nor treat it as proven before they have clear evidence. The person raising the concern must be heard, while the person accused must be told the substance of the allegation and given a meaningful opportunity to respond.

The ACAS Code of Practice sets the minimum standard employers should follow when handling grievance and disciplinary processes. An employment tribunal can adjust compensation by up to 25% where the claimant can prove failure to follow a fair process. Given the upcoming changes to employment rights as of January 1 2027, employers should ensure that they are aware of how to handle any allegations of misconduct in the workplace, to mitigate the risk of any claim.

The Grievance Process

Where appropriate, an employer should first consider whether the concern can be resolved informally. An early, constructive conversation may address a misunderstanding quickly and proportionately. Informal resolution should not, however,

be imposed where the allegation is serious, the employee wishes to use the formal procedure, or an investigation is needed to establish the facts.

Step 1: Appoint an impartial investigator. Choose someone who has not been materially involved in the events and can approach the evidence with an open mind. Set out clearly which allegations are being investigated, which questions need to be answered and how the findings will be recorded. Where practicable, the investigator should be different from the person who will decide the grievance or any later disciplinary case.

Step 2: Investigate the allegations. Establish the relevant facts before deciding whether there is a disciplinary case to answer. The investigation should be proportionate to the seriousness and complexity of the allegations and should include, where appropriate:

(a) meeting with the employee who raised the grievance, so that they can explain the complaint fully;

(b) meeting with the employee against whom the grievance has been raised, giving them a fair opportunity to respond; and

(c) speaking to relevant witnesses.

Step 3: Gather any relevant evidence. This may include correspondence, messages, policies, attendance records, CCTV footage or other documents. Consider evidence that both supports and undermines the allegation, and keep a clear record of how it has been assessed.

Step 4: Hold a grievance hearing. Invite the employee in writing, explain the issues to be considered and provide relevant documents in advance where appropriate. At the hearing, allow the employee to explain their concerns fully, ask questions and identify any further evidence or witnesses that should be considered.

Step 5: Communicate the outcome. Assess the evidence objectively and decide whether the grievance is upheld, partly upheld or not upheld. Set out the decision in writing, explain the reasons and identify any action the employer intends to take, while respecting the confidentiality of others.

Step 6: Explain that the employee has a right to appeal. Explain how and by when an appeal should be submitted. The appeal should be heard impartially by someone who was not involved in the original decision and who has sufficient authority to reconsider it.

Conclusion

A full and fair grievance process should not be treated as a ‘tick-box exercise’. It helps an employer reach decisions, demonstrates that concerns have been taken seriously and reduces the risk of potential claims. Policies should be clear, managers should be trained to apply them consistently, and all stages should be documented. If your Company does not have an appropriate grievance policy, or if an existing policy needs to be reviewed, please contact us at Chadwick Lawrence.

Upcoming Seminars & Events





Mental Health Awareness Sessions

We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by MHFA England® and the Royal Society for Public Health, MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.

MHFA 2 day (all day events) - £300 +VAT pp.

29/30 APR | 1/2 JUL | 30/1 SEPT/OCT

(Includes 3 year membership to the Associate for MFAiders, 3 years access to the MHFA Support App, Immediate wellbeing support via SHOUT charity, Quarterly Webinars and optional Level 3 OfQual Examination accredited with the Royal Society for Public Health)

More info on MHFA and ND courses can be found here: https://www.tailoredlearningsolutions.co.uk/mental-health-first-aid

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

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