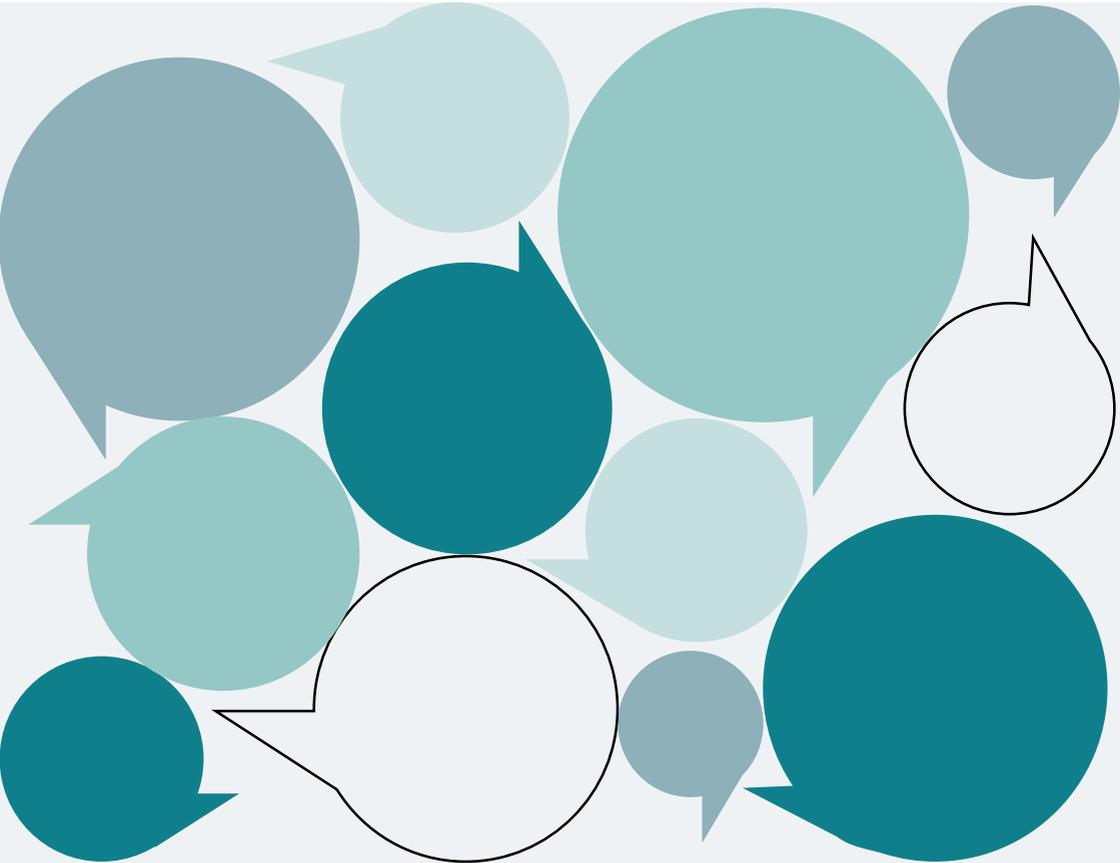


WHEN EMPLOYEES SPEAK UP

The CMP guide to establishing the best grievance, disciplinary and whistleblowing systems.



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*Working with employers to get the best out
of their people since 1989*

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Introduction

Employers who put in place a whole package of systems and approaches for dealing with grievances aren't signalling they have problems. More that they have confidence. They know good services for dealing with inevitable disagreements and personality clashes lead to a healthier workplace environment: more trust, openness, flexibility and grown-up conversations; less brittle relationships and fewer formal cases for senior management attention.

If systems aren't known about, little-used or non-existent, then employees can - or have to - resort to formal complaints and employment tribunals - a short cut that's much worse for them and for the organisation.

There is an instinct among organisations to keep employee problems low-key, settled quietly and out of sight. This only exposes employers to more risk. A vicious circle is created where complaints and conflict are known to be painful for management and the degree of sensitivity and urge to hide grows more acute.



What goes wrong and why?

Getting systems right matters more than ever before. In the 1980s there were 20 employment rights under which an employee could make a tribunal claim; now there are more than 60. The removal of tribunal fees by the Supreme Court in 2017 has led to the anticipated rush of new and bottled-up cases. The number of claims doubled in some regions of the UK in the first three months according to the National User Group of Employment Tribunals.

Handled badly or weakly, complaints are a lose-lose situation. They drain management time, potentially for months or more; there's stress and disruption for all levels of staff involved, spreading negative feelings towards the organisation. Tribunals expose poor grievance and disciplinary processes and internal investigation practices, leading to higher awards against employers. When it comes to high-profile cases there is damage to an organisation's reputation, brand and finances. Still more investment is then needed in legal advice and insurance against legal costs.

These are the most common frailties:

- employers have no processes or trained staff who can offer an alternative to lodging a more serious complaint, such as mediation;
- there are few or no internal standards for how to carry out an investigation into a complaint;
- lessons for the organisation from investigations in terms of staff behaviours and workplace culture aren't captured or acted on;
- policies aren't clear or well understood — so they're misinterpreted and not followed properly, leading to lost tribunals;
- untrained senior managers are used to investigate situations just because of their status;
- employers don't monitor the effectiveness and compliance with policies (when were more formal complaints and tribunals avoided?);
- time ends up being spent on appeals against tribunal findings - simply because the original case was flawed or confused.

How you do better

Review all of your grievance and disciplinary policies procedures and processes to identify areas that need to be strengthened, brought up to date and made more consistent. How does it work as a service for managers and employees? Does the service offer 'ways in' at different levels, from informal conversations to accessing mediation to needing to come forward with serious complaints?

Here's a checklist to help:

- Policies meet the ACAS Code 
- A standard reporting format is used across all the organisation's departments 
- Outcomes are monitored and reviewed 
- Standard notifications are made to employees by the HR team 
- Policies include clarification for staff of what would constitute a 'malicious' or 'vexatious' complaint 
- Investigation papers are kept on file consistently, even if there's no formal disciplinary hearing, and only ever held centrally by HR 
- Keep records inline with the ACAS code and Data Protection Legislation 
- Managers are aware of what constitutes a 'grievance' and know how to record them 
- All investigators used have been trained via an assessed programme 

There is a standard investigator's checklist and standard report templates; investigation outcomes are monitored to spot potential inconsistencies in judgements and disciplinary outcomes



Final decision-makers on cases are separate from those people carrying out investigations



There is a process to formally 'close' grievances and document employee acknowledgement of a grievance resolution



What next?

CMP supports the development of the soft skills needed to harness the differences between us all and helps to resolve disputes effectively if they arise. A key ingredient of this work is conversational intelligence, which leads to more effective interpersonal communication. We have been a leader in this field for nearly 30 years.

Some of our clients:



About CMP Resolutions

For 29 years, CMP has been the UK's leading independent provider of workplace relationship management and dispute resolution services and training.

Our ambition is to create workplaces where people can really be authentic, bringing their whole-self to work.

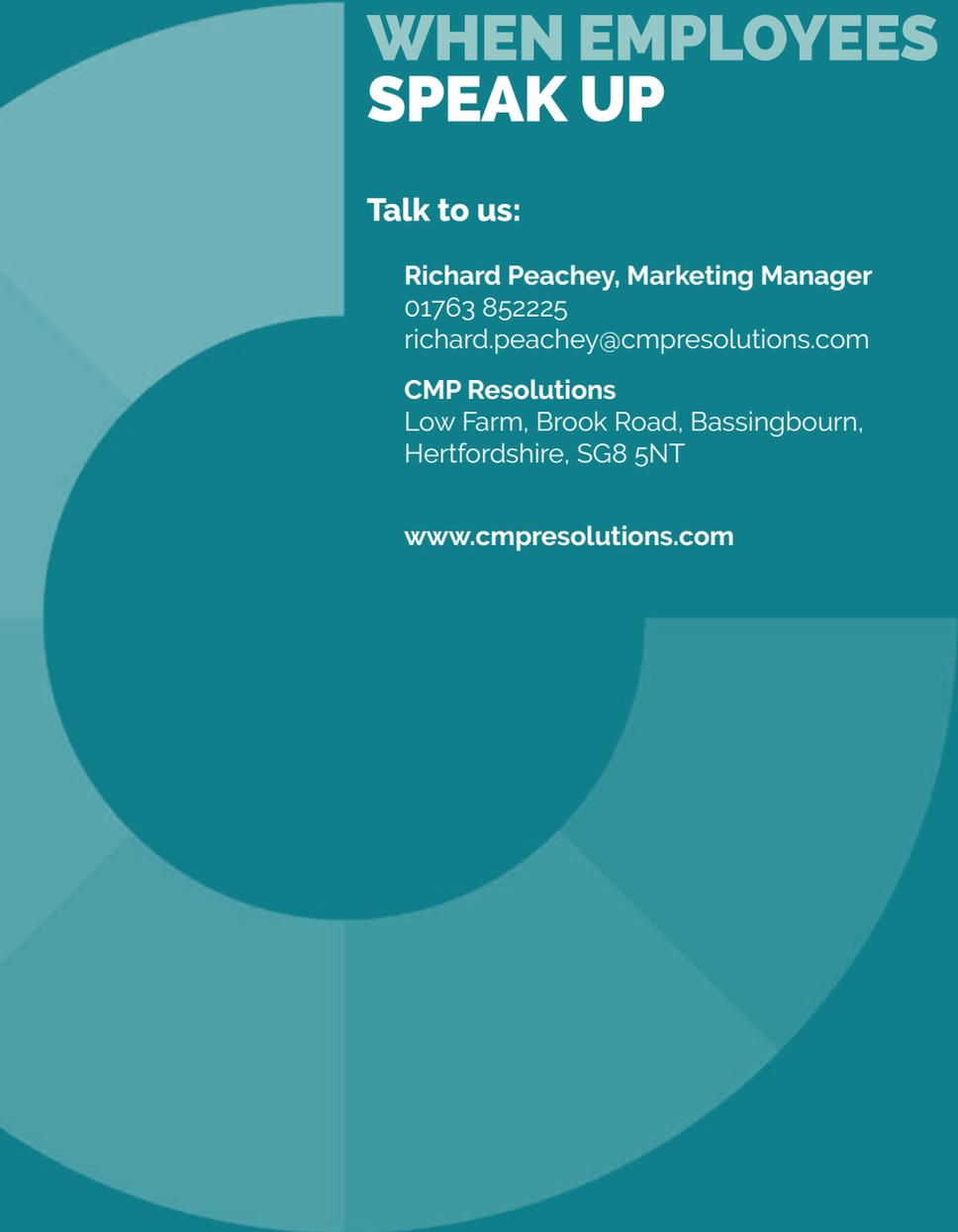
We call these Clear Air™ workplaces; places where there are no inhibitors to speaking up, expressing opinions, and challenging the status quo. Where ideas can be shared and challenged without fear of reprisal, where teams have trusting relationships, and can appreciate and respect individual differences and opinions.

We know that this leads to employees who are happier at work and more engaged with their organisation.

CMP promote Clear Air™ by supporting the development of Conversational Intelligence™ the interpersonal soft skills needed to harness the differences between us all.

These soft skills to empower individuals to work together more effectively whilst improving innovation and problem solving, whilst preventing the negative consequences of relationship breakdown.

For nearly 30 years, CMP has offered world class Professional Services, such as coaching, investigation, mediation and team development, Consultancy Services, such as policy and process review and development, and Training in managing workplace relationships. These are available to every layer of an organisation, and delivered at all levels of complexity.



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