

Waltham on the Wolds and Thorpe Arnold Parish Council

Grievance Policy and Procedure

INTRODUCTION

It is the policy of the Parish Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Parish Council and this document sets out the arrangements for employees to raise these issues with the Council. This policy is in line with the 2015 ACAS Code of Practice and will be applied fairly, consistently and in accordance with the Equality Act 2010.

POLICY STATEMENT

- It is envisaged that the majority of issues or misunderstandings will be capable of being addressed informally, in an efficient and effective manner. However, where such issues are unresolved, employees should then utilise this grievance procedure.
- At each grievance meeting held under the formal procedure, the employee has a right in law to be accompanied by a colleague or a trade union official (known as a companion). This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her/their grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her/their case.
- Where an employee is the sole employee and is not a member of a trade union, the Council will agree to the employee being accompanied by a friend or family member.
- The Council will give employees reasonable notice of the date of the grievance meeting. Employees and their companions must make all reasonable efforts to attend. The employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is reasonable to propose a later date.
- Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- Audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- If an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she/they raised the grievance in good faith.
- The Council may consider mediation at any stage of the grievance procedure where appropriate. Mediation is a dispute resolution process which requires the consent of affected parties.
- The High Court in 2018 has changed the way in which Councils must deal with an employee's grievance if the complaint is about the conduct of a Councillor. Employees must refer any complaint about the conduct of a Councillor towards them to the Standards Committee (via the Monitoring Officer) of the principal authority (Melton Borough Council). The Parish Council can offer to try and resolve the matter informally, such as through mediation. However, the Parish Council has no power to hear and resolve any complaint about a Councillor's conduct.
- An employee has the right to appeal against the decision about their grievance. The appeal decision is final. Any appeal will be heard by the remaining members of the Council or by a panel of no less than three members of the Council, none of whom were involved in any way with the original decision.

PROCEDURE

Introduction

In order to provide an effective and timely resolution of employee concerns, the following procedure will be followed to ensure that employee complaints or problems receive full and careful attention.

Informal Grievance Procedure

As soon as a problem arises, the employee should raise it with Chair of the Parish Council to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with the Chair, the employee should contact another member of the Parish Council. If the employee's complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the employee's and the Councillor's consent.

Formal Grievance Procedure

If it has not been possible to resolve the employee's grievance informally, they may submit a formal grievance in writing. The letter should explain the nature and extent of the grievance and indicate the outcome the employee seeks. A Personnel Committee of three Councillors will hear the grievance. No Councillor, with direct involvement in the matter, shall serve on the Committee.

Investigation:

It may be appropriate to appoint an investigator, usually a Councillor, to carry out an investigation before the grievance meeting to establish the facts of the case. The investigator should be independent of the decision-making in respect of the grievance. The investigation may include interviews with the employee submitting the grievance, other employees, Councillors and others as may be appropriate. The investigator will summarise their findings (usually within an investigation report) and present their findings to the Personnel Committee or full Parish Council.

Notification:

The Council will make every effort to hold a grievance meeting within 14 days, but this may not be achievable if an investigation has been launched. The employee will then be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its Chair and other members;
- the date, time and place for the meeting;
- the employee's right to be accompanied by a workplace colleague, a trade union representative or another companion;
- a copy of the Council's grievance policy;
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her/their witnesses as soon as possible before the meeting;
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least three days' notice;
- findings of the investigation if there has been an investigation;
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The Grievance Meeting:

At the grievance meeting:

- the Chair will introduce the members of the Personnel Committee to the employee;
- the employee (or companion) will set out the grievance and present the evidence;
- the Chair will ask the employee questions about the information they have presented and seek clarity about the action the employee wants the Council to take;
- any member of the Committee may ask questions of the employee;
- witnesses may be called to give their statements and the Chair and other members of the Committee may ask questions of them;
- the employee (or companion) will have the opportunity to sum up the case.
- A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by Committee.

The Chair will provide the employee with the Committee's decision, in writing, as quickly as possible and no longer than within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The Appeal:

If an employee decides that their grievance has not been satisfactorily resolved by the Committee, they may submit a written appeal to the Council. An appeal must be received by the Council within seven days of the employee receiving the Committee's decision and must specify the grounds of appeal.

Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy;
- the decision was not supported by the evidence;
- the action proposed by the Committee was inadequate/inappropriate;
- new evidence has come to light since the grievance meeting.

The appeal will be heard by three members of the Council, none of whom were involved in any way with the original decision. If there are insufficient members of the Council to form an Appeal Panel, advice is to be sought from LRALC.

The employee will be notified of the time, date and place of the appeal meeting within 14 days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union official or other companion.

Appeal Meeting:

At the Appeal Meeting:

- the Chair will introduce the panel members to the employee;
- the Chair will explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Personnel Committee;
- the Chair will explain the action that the appeal panel may take;
- the employee (or companion) will be asked to explain the grounds of appeal;
- the Chair and members of the Committee may ask questions of the member of staff
- new evidence or witnesses or witness statements may be introduced by the employee
- the Chair and members of the appeal panel may ask questions about new evidence and of new witnesses
- the employee (or companion) will have the opportunity to sum up the case
- the Chair will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the Personnel Committee or substitute its own decision. The decision of the appeal panel is final.

This document was adopted by the Council at its meeting held 21st March 2024.

Signed _____ Chair