

# Waddingham Parish Council

## Grievance Policy

### Purpose

It is the policy of the council to give employees the opportunity to air and seek redress for any individual employment grievance they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council. This document describes the procedure, which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

### Principles

At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.

Grievances will be dealt with promptly and consistently.

At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.

An employee will have the right to appeal against any outcome of a Grievance Hearing.

At no time will an employee be penalised or victimised for having raised a Grievance against the council.

### Procedure

Wherever possible, any grievance should be raised informally with the Chair (or Vice-Chair in their absence unless the complaint is about the Chair or Vice-Chair in which case the matter can be raised with another Member (who does not sit on the Council's Grievance panel)). The recipient of the grievance from a clerk should share the grievance with the Grievance Panel and the issues should be treated with discretion and confidentiality at all times.

**Written Statement:** If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to the Chair (or Vice-Chair in their absence).

**Meeting or Hearing:** Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the Chair (or Vice-Chair in their absence) will arrange an informal meeting with the employee to try and facilitate a speedy resolution. Should the matter be sufficiently serious, cannot be easily resolved or the employee wishes, a meeting with the Grievance Panel will be

arranged. The meeting arrangements will be mutually convenient and will be in a confidential location, free from interruptions. The panel will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as they consider appropriate and take such steps as they consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Panel may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

**Response:** The Panel will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem which may include involving Mediation as a way in which to resolve differences between two parties.

**Appeal:** If the employee is dissatisfied with the decision of their complaint, they may appeal against the decision to the Appeals Panel by written notice within five working days of the decision. An Appeal may be raised if:

The employee thinks the finding, or action plan, is unfair.

New evidence has come to light.

The employee thinks that the procedure was not applied properly.

On receipt of the appeal the council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons they consider appropriate without unreasonable delay. The Appeals Panel shall consider the issues and shall then take all such steps, as they consider necessary to resolve those issues.

The council will ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal will be conveyed to the employee in writing in a timely manner.

The decision of the Appeals Panel will be final.

**Bullying or Harassment:** If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the Chair (or Vice-Chair in their absence) or other Member if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will

generally conclude the enquiry. If a further appeal or review is available the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being elected Members a Code of Conduct complaint lodged by the council through the Standards process Refer to the Dignity at Work/Bullying and Harassment Policy for further details.

**Right to be Accompanied:** At any formal stage of the procedure an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask another employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them but as this is an internal procedure there is no provision to have any external person accompany or represent the employee (e.g. partner, parent, solicitor etc). This right to be accompanied is enshrined in the Employment Relations Act 1999. The companion can address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and can confer with the employee during the hearing but they are not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employee and/or employer from explaining their case.

### **Grievance & Appeals Hearing Panels**

The Council will establish these panels to hear grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

### **Confidentiality**

So far as is reasonably practicable, the council will keep any grievance or complaint of harassment confidential between the officer or Member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### **Record Keeping**

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

## **Grievances Raised during Disciplinary**

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. In such circumstances, disciplinary matters will be placed on hold until such grievances have been aired and actions towards a resolution have been progressed.

Adopted and approved on **5 July 2017**

Next Review July 2018