Witham St Hughs Parish Council's Grievance Policy

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice

   https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures

   It also takes account of the ACAS guide on discipline and grievances at work.

   https://www.acas.org.uk/sites/default/files/2022-04/discipline-and-grievances-at-work-the-acas-guide.pdf

It aims to encourage and maintain good relationships between the Parish Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems, or complaints about their employment with the Parish Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010 and The Preventative Duty of the Worker Protection (Amendment of Equality Act 2010) Act 2023.

2. Many problems can be raised and settled during everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

3. This policy confirms:

   - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. 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 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 case.

   - the Parish Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, 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 unreasonable not to propose a later date.

- Any changes to the specified time limits must be agreed by the employee and the Parish Council.

- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.

- 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 Parish 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 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 raised the grievance in good faith.

- The Parish Council may consider mediation at any stage of the grievance procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.

- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a parish Councillor. Employees can use the informal stage of the parish Council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a parish Councillor Employees cannot use the formal stages of the parish Council's grievance procedure for a code of conduct complaint about a parish Councillor. If the complaint about the parish Councillor is not resolved at the informal stage, the employee can contact the monitoring officer of the District Parish Council who will inform the employee whether the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the parish Council's grievance procedure (see paragraph 5).

- If the grievance is a code of conduct complaint against a parish Councillor, the employee cannot proceed with it beyond the informal stage of the parish Council's grievance procedure. However, whatever the complaint, the parish Council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and parish

Councillors are professionally trained and by protecting staff from bullying, harassment, and all forms of discrimination.

- If an employee considers that the grievance concerns his or her safety within the working environment, whether it also concerns a complaint against a parish Councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The parish Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.

Informal grievance procedure

4. The Parish Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her line manager 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 his/her line manager (for example, because it concerns the line manager), the employee should contact the Chair of the personnel committee or, if appropriate, another member of the personnel committee. If the employee's complaint is about a parish Councillor, it may be appropriate to involve that parish Councillor at the informal stage. This will require both the employee's and the parish Councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chair of the personnel committee.

6. The personnel committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a chair from one of its members. No parish Councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g., if grievance is complex), it may appoint an investigator to investigate before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g., the employee submitting the grievance, other employees, parish Councillors, or members of the public). The investigator will be independent of the matter.

8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

9. Within ten working days of the Parish Council receiving the employees' grievance (this may be longer if there is an investigation), the employee will normally 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 will be given reasonable notice of the meeting, which will normally be within ten working days, for straight forward cases, or up to 25 if a complex investigation is needed, with a duty to notify you if delays occur.

- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official.

- A copy of the Parish 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 witnesses as soon as possible before the meeting.

- confirmation that the employee will provide the Parish Council with supporting evidence in advance of the meeting, usually with at least two days' notice.
- findings of the investigation if there has been an investigation.

- an invitation to the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

- If any pf these timescales cannot be met, the employee will be notified in writing with a revised date and the reasons.

The grievance meeting.

10. At the grievance meeting:

- The Chair will introduce the members of the sub-committee to the employees.

- The employee (or companion) will set out the grievance and present the evidence.

- The Chair will ask the employee questions about the information presented and will want to understand what action they want the Parish Council to take.

- Any member of the sub-committee and the employee (or the companion) may question any witness.

- 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 the sub-committee.

11. The Chair will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Parish Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the personnel committee. An appeal must be received by the Parish Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on several grounds, e.g.:

- a failure by the Parish Council to follow its grievance policy.
- The decision was not supported by the evidence.
- The action proposed by the sub-committee was inadequate/inappropriate.
- new evidence has become known since the grievance meeting.

14. The appeal will be heard by a panel of three members of the personnel committee who have not previously been involved in the case. There may be insufficient members of the personnel committee who have not previously been involved. If so, the appeal panel must recruit external members to hear the case. The appeal panel will appoint a chairman from one of its members.

15. The employee will be notified, in writing, usually within ten working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within twenty-five working days of the Parish Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

- At the appeal meeting, the Chair will:
- introduce the panel members to the employee.
- explain the purpose of the meeting, which is to hear the employees' reasons for appealing against the decision of the staffing sub-committee.
- explain the action that the appeal panel may take.

16. The employee (or companion) will be asked to explain the grounds of appeal.

17. The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

18. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.

19. The decision of the appeal panel is final.