



## **Dickens Heath Parish Council**

### **GRIEVANCE POLICY**

#### **INTRODUCTION**

1. This policy deals with employee raised, work related, complaints and concerns. It is based on and complies with the 2009 ACAS Code of Practice. 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.
2. Many problems can be raised and settled during the course of everyday working relationships and employees should aim to settle most grievances informally with their line manager. Appendix 1 of this document contains the Informal and Formal Grievance Procedures.
3. This policy confirms:
  - employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or work colleague. 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, at least 10 working days. Employees and their companions must make all reasonable efforts to attend. If the employee's 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.
  - any changes to 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 Data Protection Act 1998
- recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed 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 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 Parish Council's and the employee's consent.

### **Ledbury Decision : R Harvey v Ledbury Town Council 2018**

This High Court case has changed the way in which Councils must deal with an employee's grievance if the complaint is about the conduct of a councillor. If the Council cannot resolve the matter informally, including mediation, then the complaint can only be dealt with under the Code of Conduct - by the employee submitting their complaint to the principal authority's Monitoring Officer. The Council has no power to deal with it.

Employees can use all stages of the grievance procedure unless the complaint is a Code of Conduct complaint about a Councillor. Employees can only use the informal stage in such a case and, if the complaint is not resolved at this stage, the employee can contact the Monitoring Officer at Solihull MBC who will inform the employee whether or not their complaint can be dealt with under the Code of Conduct. If it can't – then the formal stage of the grievance procedure can be used. In either case, the Council still has a duty of care to its employee and must take all reasonable steps to ensure that employees have a safe working environment and are protected from bullying, harassment and all forms of discrimination.

## **Appendix 1 : GRIEVANCE PROCEDURE**

### **INFORMAL GRIEVANCE PROCEDURE**

1. 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 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 manager (for example, because it concerns the manager), the employee should contact a member of the Parish Council.

### **FORMAL GRIEVANCE PROCEDURE**

2. If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the Chair of the Parish Council.
3. The Parish Council will appoint a sub-committee of three members to investigate 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**

4. The sub-committee will investigate the matter before the grievance meeting, which may include interviewing others (e.g. employees, Councillors or members of the public).

### **Notification**

5. Within 10 working days of the Parish Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting and the letter from the sub-committee's Chair will include the following:
  - the names of the Chair and other members of the sub-committee
  - a summary of the employee's grievance based on his/her written submission
  - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Parish Council received the grievance
  - the employee's right to be accompanied by a trade union representative or work colleague

- a copy of the Parish Council's grievance policy and procedure
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- confirmation that the employee will provide the Parish Council with any supporting evidence at least five working days before the meeting.

### **The Grievance Meeting**

6. At the grievance meeting:
- the Chair will introduce the members of the sub-committee to the employee
  - the employee (or companion) will set out the grievance and present the evidence.
  - the Chair will ask the employee what action does he/she 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
  - the Chair will provide the employee with the sub-committee's decision, in writing, 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
  - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### **The Appeal**

7. 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 Parish Council. 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, which must be additional to that of the original grievance meeting.
8. Appeals may be raised on a number of grounds, eg:
- a failure by the Parish Council to follow its grievance policy/procedure
  - the decision was not supported by the evidence
  - the action proposed by the sub-committee was inadequate/inappropriate
  - new evidence has come to light since the grievance meeting.
9. The Appeal will be heard by a panel of three members of the Parish Council who have not previously been involved in the case. The appeal panel will appoint a Chair from one of its members.

10. The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Parish Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a trade union representative or work colleague.
11. At the appeal meeting, the panel Chair will:
  - introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the sub-committee
  - explain the action that the appeal panel may take.
12. The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
13. 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.
14. The appeal panel may decide to uphold the decision of the sub-committee or substitute its own decision.
15. The decision of the appeal panel is final.

**Date of Approval : November 12<sup>th</sup> 2019**

**Proposed Date of Review : November 2021**