

## **GRIEVANCE PROCEDURE –**

### **EAST HAPTREE PARISH COUNCIL (The Council)**

Adopted 18.4.2023

Based on NALC model procedure.

#### **INTRODUCTION:**

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the 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 Council, which may relate to their statutory employment rights e.g., equal pay; discrimination; maternity rights etc. Also, when the employee believes they are being victimised, bullied, harassed, subjected to some other form of inappropriate treatment or in breach of the Council's Dignity Policy. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

1. Many problems can be raised and settled during the course of everyday working relationships and the main focus of dispute processes should be about getting the working relationship back on track. To avoid harbouring grievances, employees must not be afraid to raise issues of concern, but should aim to settle most grievances informally, if at all possible.
2. **FORMAL GRIEVANCE PROCEDURE SYNOPSIS:** This policy confirms:
  - Employees have the right to be accompanied or represented at a grievance meeting or appeal, by a workplace colleague, a trade union representative or a trade union official: Should the employee consider this to be unsatisfactory for whatever reason, the Council may, at its discretion, agree to another suitable adult fulfilling the role. 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 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 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 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 Council in accordance with the Data Protection Act 2018. 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 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 Council's and the employee's consent.

### **INFORMAL GRIEVANCE PROCEDURE**

3. The 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 the Chair 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 (for example, because it concerns that person), the employee should contact the Vice Chair or the Clerk.

### **FORMAL GRIEVANCE PROCEDURE**

4. 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 members of the REMPAG (Remuneration & Personnel Advisory Group).
5. The REMPAG will normally investigate the grievance. However, no Councillor with direct involvement in the matter shall be involved in the investigation, and if necessary different Parish Councillors will be drafted in so that a Sub-committee of three Councillors is created.

### **INVESTIGATION**

6. The REMPAG /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**

7. Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The REMPAG /

Sub-committee's letter will include the following:

- The names of its Chair and other members.
- 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 Council received the grievance.
- The employee's right to be accompanied (see paragraph '2' above).
- A copy of the Council's grievance policy.
- Confirmation that, if necessary, witnesses may attend to provide evidence in support of the employee 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 Council with any supporting evidence at least five working days before the meeting.

### **THE GRIEVANCE MEETING**

8. At the Grievance Meeting:

- The Chair will introduce the members of REMPAG /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 he/she wants the Council to take.
- Any member of the REMPAG /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 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 REMPAG/Sub-committee.

### **THE APPEAL**

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

10. 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 REMPAG /Sub-committee was inadequate/inappropriate.
- New evidence has come to light since the grievance meeting.

11. The Appeal will be heard by a panel of three members of the Council who have not previously been involved in the case (this may require seeking assistance from a neighbouring Parish Council). The appeal panel will appoint a Chair from one of its members.
12. 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 Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a trade union representative or a trade union official.
13. 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 employee's reasons for appealing against the decision of the REMPAG / Sub- committee.
  - Explain the action that the appeal panel may take.
14. The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
15. 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.
16. The Appeal Panel may decide to uphold the decision of the REMPAG / Sub- committee, or substitute its own decision.
17. The decision of the appeal panel is final.
18. If a grievance against a Councillor by an employee is upheld, the Parish Council may report its findings to the B&NES Monitoring Officer to decide whether there is a breach of the Code of Conduct and recommend how to proceed, sanctions etc.