



# **CROWTHORNE PARISH COUNCIL GRIEVANCE PROCEDURE**

**Adopted by the Staffing Committee – June 2016**

## **1. PURPOSE AND SCOPE**

It is the policy of the 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 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 2015 issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992. This policy should be read in conjunction with the Equality and Fair Treatment Policy and Disciplinary Policy.

## **2. PRINCIPLES**

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently.
- c) 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.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a grievance against the council.
- f) As appropriate, either the Clerk, Chairman or Vice Chairman of the Staffing Committee will act as Hearing Manager.
- g) The Hearing Panel will consist of three members and a note taker.

## **3. PROCEDURE**

**3.1 Raising a Grievance:** Wherever possible, any grievance should be raised informally with the Clerk, or if this is inappropriate the Chairman of the Staffing Committee. In the case of the Clerk raising a grievance this should be directed to the Chair of the Staffing Committee unless the complaint is about the Chair in which case the Vice Chair of the Staffing Committee can handle the Clerk's concerns. The recipient of the grievance from the Clerk should share the grievance with the Staffing Committee members and the issues should be treated with discretion and confidentiality at all times.

**3.2 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 Clerk, or if this is inappropriate to the Chairman of the Staffing Committee.

**3.3 Grievance Hearing:** A grievance hearing is a meeting that deals with any grievance raised by an employee. Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the Clerk, Chair or Vice Chair of the Staffing Committee will arrange a meeting with the employee. The Hearing Manager will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The Hearing Manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as considered appropriate and take such steps as considered necessary to resolve the issue. 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. The employee may call witnesses by prior arrangement with the Hearing Manager. 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.

**3.4 Response:** The Hearing Manager will confirm the decision of the grievance hearing to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience.

**3.5 Appeal:** If an employee feels that their grievance has not been dealt with satisfactorily or if they are dissatisfied with the decision of the Hearing Manager on his/her complaint, they can appeal. They should let the employer know the reasons for the appeal without unreasonable delay and in writing to the Clerk, Chair or Vice Chair of the Staffing Committee 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 Staffing Committee must appoint an Appeals Panel to meet and consult with the employee, the Clerk or members concerned and any other persons, as considered appropriate without unreasonable delay. The Appeal Hearing Chairman shall consider the issues and shall then take all such steps, as considered necessary to resolve those issues.

Where the Staffing Committee's Chair or Vice Chair has chaired the initial Grievance Hearing the Chair or Vice Chair of the Parish Council will hear the appeal and the decision of the Appeal Hearing will be final.

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

**3.6 Bullying or Harassment:** If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the Clerk or Chairman of the Staffing Committee if more appropriate, with an indication of the required action. The complaint will then be investigated in line with the Equality and Fair Treatment Policy, Disciplinary Procedure and/or members Code of Conduct.

**3.7 Right to be Accompanied:** At any formal stage of the procedure an employee may be accompanied by a fellow employee, trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right, the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

**3.8 Confidentiality:** So far as is reasonably practicable, the council will keep any grievance or complaint of harassment confidential between the manager 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.

**3.9 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.

**3.10 Grievances Raised During a 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. The SLCC recommends, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances, it is pragmatic to deal with the two disputes concurrently but SLCC would advise caution and specialist advice should be sought if this arises.

[www.acas.org.uk](http://www.acas.org.uk) – Acas Code of Practice on Disciplinary and Grievance Procedures

## **Appendix 1 – Guidance for Hearing Managers/Panels**

The checklist below is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.

### **Welcome attendees:**

Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting.

- Introduce those present and their roles, if the employee is not accompanied explain that they were offered the right to be accompanied
- Representation of employee, if accompanied confirm the role of the companion, i.e. that they will be able to address the hearing in order to: put the employee's case forward; sum up the case; respond on the employee's behalf to any view expressed at the hearing; and confer with the employee.
- If not accompanied note that the employee has been advised of their right to be accompanied but has chosen to attend unaccompanied.
- Confirm with the employee that they have received the letter notifying them of the meeting and any associated documentation.
- Confirm with the employee that they understand that it is a formal grievance meeting which will be conducted in line with the grievance procedure.

### **Outline the Procedure:**

- Advise of the procedure.
- Confirm the documentation provided, identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes.
- Advise that any party can request an adjournment, via the Chair. Identify the location of any separate rooms available to provide the parties with private space during these adjournments.
- Advise that the note-taker will take summary notes to support the panel's consideration. Should the employee want a summary of these notes these can be provided on request. Advise that both the employee and their representative would be welcome to make their own notes.
- Respond to any procedural concerns/queries that may arise.

### **Explore the Issues:**

- Invite the employee to explain his/her complaint/concern and what remedy/resolution they are seeking (this may be done by their representative if they so wish).
- The panel to seek to gain a full understanding of the case, raising any questions with the employee as necessary, to clarify any points in relation to the information or evidence submitted or gained via investigation if applicable. NOTE: If applicable and where previously agreed with the Chair, witnesses may be called and depending upon the circumstances of the case, be given an opportunity to respond to each of the points raised by the employee and make representation to the Panel.
- Employee to be provided with the opportunity to sum up their case.

**Close and Conclude:**

- After the case has been explained and the main questioning completed, the Chair may consider whether to briefly adjourn the meeting to give all the opportunity to review what has been said and consider whether there is anything they wish to clarify or to add in closing remarks to enable the panel to review what they have heard and seek clarification on any issues before bringing the meeting to a close.
- If the panel is unable to make a decision as further information/time is required, inform the employee as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)
- When closing the meeting, ensure that everyone understands what is going to happen.
- Depending upon whether the panel has been able to make a decision during any adjournment, explain that the staff member will receive confirmation of its decision in writing within 7 days of the meeting.
- The Chair will prepare a report summarising the nature of the grievance, the investigation (where applicable), and the panel's decision, including reasons for this, and any recommendations, and notify the employee in writing as to the outcome of the meeting, within 7 calendar days after the meeting.

**NOTE:** Where it is identified that further essential information or clarification is required, the Panel may decide to adjourn the meeting to enable further investigation. In such a case, an indication of the timeframe for this should be provided. Once completed the panel should be reconvened.

**Record:**

- Record summary of the discussions, including any pertinent points, agreed actions, outcomes and recommendations.
- Ensure that the records are factual, unambiguous and constructive.
- Write to employee summarising the outcome of meeting and any next steps.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties.
- If requested by the employee, a summary of the meeting notes should be provided for their information.