ASHAMPSTEAD PARISH COUNCIL

GRIEVANCE POLICY

1. Legislation

This policy is based on and complies with the 2015 ACAS Code of Practice http://www.acas.org.uk/index.aspx?articleid=2174

It also takes account of the ACAS guide on discipline and grievances at work: https://www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work

It also takes into account relevant law affecting Councils.

2. Purpose

This policy 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.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager. Clerks should aim to settle most grievances informally in the first instance with the Clair or Vice-Chair of the Council.

3. Policy

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 their 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 their 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 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 specified time limits must be agreed by the employee and the Council
- an employee has the right to appeal against the decision about their 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 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
- where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- if a grievance is not upheld, no disciplinary action will be taken against an employee if they 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 consent of affected parties
- Employees can only use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a Councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a Councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a Councillor. If the complaint about the Councillor is not resolved at the informal stage, the employee can contact the monitoring officer of West Berkshire Council who will inform the employee whether or not 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 council's grievance procedure (see paragraph 5)

4. Informal Grievance Procedure

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 this with the Chair or Vice-Chair to see if an informal solution is possible. Both should try to resolve the matter at this stage.

5. Formal Grievance Procedure

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.

The Council will appoint two Councillors to a hearing committee and may or may not include the Chair. The committee will appoint a Chair.

6. Investigation

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

7. Notification

Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will be asked, in writing, to attend a grievance meeting.

The written notification will include the following:

- the names of its Chair and other members
- a summary of the employee's grievance based on their 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 by a workplace colleague, a trade union representative or a trade union official
- a copy of the 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 their witnesses at least five working days before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least five working days notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

8. The Grievance Meeting

At the grievance meeting:

- the Chair will introduce the members of the committee to the employee
- 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 Council to take
- any member of the 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 committee.

The Chair will provide the employee with the decision, in writing, within 5 working days of the meeting though may be longer e.g., where further investigations are required. The letter will

notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

9. The Appeal

If an employee decides that their grievance has not been satisfactorily resolved by the committee, they may submit a written appeal to the Council. An appeal must be received by the Council within 5 working days of the employee receiving the committee's decision and must specify the grounds of appeal.

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 panel was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

The appeal will be heard by an appeal panel consisting of two other members of the Council who have not previously been involved in the case. The Council may engage external parties if there are insufficient Councillors to form the panel. The appeal panel will appoint a Chair from its members.

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 they 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 hearing panel
- explain the action that the appeal panel may take.

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

The Chair will inform the employee that they will receive the decision and the panel's reasons, in writing, within 5 working days of the appeal meeting.

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

The decision of the appeal panel is final.