

## Creech St Michael Parish Council

<b>Policy Title</b>	Grievance Policy and Procedure
<b>Applies to</b>	All Parish Council Employees
<b>Date Created</b>	21 <sup>st</sup> January 2023
<b>Date Approved by Parish Council</b>	6 <sup>th</sup> February 2023
<b>Minute Reference</b>	17
<b>Author</b>	Clerk and RFO
<b>Review Cycle</b>	Annual
<b>Review Dates</b>	

## **1.0 Introduction**

This policy and procedure is designed to support transparency within the operation of the Parish Council as it seeks to manage the conduct and performance of its employees in a supportive and constructive manner.

The grievance procedure outlined within the policy, provides a framework within which an employee or employees can raise a concern or complaint and be assured that the issues raised are treated seriously and are resolved in a timely and transparent manner.

Wherever possible, the Parish Council will try to resolve concerns about employees' behaviour or performance informally, without starting the formal procedure set out in this policy. It is expected that most issues can be addressed during the course of everyday working relationships and as an employer, the Parish Council, will strive to foster a working environment that facilitates open and honest professional exchanges between members of the Parish Council and its employees.

This policy is based on a template provided by the National Association of Local Councils (NALC) and complies with the 2015 ACAS Code of Practice and takes account of the ACAS guide on discipline and grievances at work.

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

## **2.0 Other Policies**

This policy should be read in conjunction with the following Parish Council policies.

- Councillor Code of Conduct
- Standing Orders
- Disciplinary Policy and Procedure
- Bullying and Harassment Policy
- Civility and Respect Pledge

## **3.0 Terms Used**

Line Manager - the term is used to define the individual to whom an employee of the Parish Council normally reports. This can be both an officer of the Parish Council and a member of the Parish Council.

Grievance - a real or imagined cause for complaint, especially resulting from unfair treatment.

Days – the term days refers to working days, excluding public holidays.

## **4.0 Grievance Procedure**

### **4.1 Stage One - Informal Resolution**

- The Parish Council and its employees benefit if grievances are resolved informally and as quickly as practicable. As soon as an issue arises, the employee should raise the matter with their line manager to seek to establish if an informal resolution is possible. Both parties should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their line manager (for example, because it concerns the line

manager), the employee should contact the Chair of the Staffing Committee or, if appropriate, another member of the Staffing Committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

- Should the grievance not be resolved via the informal procedure and the employee's complaint is not one that should be dealt with as a code of conduct complaint, the employee may submit a formal grievance. This should be submitted in writing to the Chair of the Staffing Committee.

#### **4.2 Stage Two - Formal Grievance Procedure**

- Upon receipt of a formal grievance claim, the Staffing Committee will appoint a sub-committee of three members to hear the grievance. This sub-committee must be appointed within 14 days of the date of receipt of the grievance. The sub-committee will appoint a Chair from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

#### **Investigation**

- Within 10 days of forming the sub-committee, a meeting must be held of the sub-committee to consider the grievance and to decide if it is appropriate to undertake a formal investigation (e.g. if the grievance is complex). The sub-committee may appoint an investigator to carry out an investigation before a grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
- The investigator will summarise their findings (usually within a written investigation report) and present their findings to the sub-committee.
- The investigator must not be a councillor with direct involvement in the matter and must not be a member of the sub-committee.

#### **Notification**

- Within 14 days of the Parish Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The meeting will normally be held within 28 days of the Parish Council receiving the employee's grievance (this may be longer if there is an investigation but should not be extended without appropriate justification).
- The written notification will include the following:
  - The names of the sub-committee's Chair and other members.
  - The date, time and place for the meeting.
  - 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 their witnesses as soon as possible before the meeting.

- Confirmation that the employee will provide the Parish Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
- The 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).

### **The Grievance Meeting**

- The grievance meeting will follow the stages set out below. The meeting must be recorded in writing.

The grievance meeting may be adjourned at any time, to allow matters that were raised during the meeting to be investigated further by the sub-committee.

- Stage 1. The Chair will introduce the members of the sub-committee to the employee.
- Stage 2. The employee (or their companion) will set out the reasons for the grievance and present any evidence in support of their complaint. This will include statements, either in writing or in person, from witnesses. Any member of the sub-committee and the employee (or their companion) may question any witness.
- Stage 3. The Chair will ask the employee questions about the information presented and will seek to understand what action(s) they want the Parish Council to pursue to resolve the grievance.
- Stage 4. If an investigation has been undertaken, the Chair will present the written statement to the meeting. Any member of the sub-committee and the employee (or their companion) may question or seek clarification of the written statement.
- Stage 5. The Chair will summarise the key points of the grievance and will seek agreement from the employee (or their companion) that the summary is complete and represents the grievance accurately.
- The Chair will provide the employee with the sub-committee's decision, in writing, usually within 5 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**

- If an employee believes that their grievance has not been satisfactorily resolved by the sub-committee, they may submit a written appeal to the Staffing Committee. An appeal must be received by the Staffing Committee within 7 days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
- Appeals may be raised on a number of specific grounds only:
  - A failure by the Parish Council to follow its grievance policy.
  - That the decision of the sub-committee was not supported by the evidence.
  - That the action(s) proposed by the sub-committee were inadequate or inappropriate.
  - That new and significant evidence has come to light since the grievance meeting.

- The appeal will be heard by a sub-committee of three members of the Parish Council, who have not previously been involved in the case. There may be insufficient members who have not previously been involved. If so, the appeal sub-committee will be constituted by co-option of serving councillors from neighbouring Parish Councils. The appeal sub-committee will appoint a Chair from one of its members.
- The employee will be notified, in writing, usually within 10 days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 28 days of the Parish 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.
- The appeal meeting, will follow the stages set out below. The meeting must be recorded in writing.

The grievance meeting may be adjourned at any time, to allow matters that were raised during the meeting to be investigated further by the sub-committee.

- Stage 1. The Chair will introduce the sub-committee members to the employee.
- Stage 2. The Chair will explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee.
- Stage 3. The Chair will explain the action that the appeal sub-committee may take.
- Stage 4. The employee (or their companion) will be asked to explain the grounds of appeal.
- Stage 5. The Chair will ask the employee questions about the information presented and will seek to understand what action(s) they want the Parish Council to pursue to resolve the grievance.
- Stage 6. The Chair will summarise the key points of the appeal and will seek agreement from the employee (or their companion) that the summary is complete and represents the grievance accurately.
- Stage 7. The Chair will inform the employee that they will receive the decision of the sub-committee and the sub-committee's reasons, in writing, within 5 days of the appeal meeting.
- The appeal sub-committee may decide to uphold the decision of the Staffing Committee sub-committee or substitute its own decision.
- The decision of the appeal sub-committee is final.

## Guidance

- Any changes to specified time limits within this policy, must be agreed by the employee and the Parish Council.
- An employee has the right to appeal against the decision about their grievance. The appeal decision is final.
- All 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).
- All audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all parties as a reasonable adjustment that takes account of an employee's medical condition or disability.
- If an employee, who is already subject to a disciplinary process raises a grievance, the grievance will normally only be heard after completion of the disciplinary procedure.
- If a grievance is not upheld, no disciplinary action will be taken against an employee if they 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 councillor. Employees can use the informal stage of the Parish Council's grievance procedure to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the Parish 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 Somerset 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 Parish Council's grievance procedure.
- If the grievance is a code of conduct complaint against a 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 councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a 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) and in accordance with the code of conduct regime.