Tanworth in Arden Parish Council Grievance Policy

Date policy adopted: 17/10/2024 Date for review: October 2026

INTRODUCTION

1. This policy is based on and complies with the ACAS Code of Practice https://www.acas.org.uk/codes-of-practice 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 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.

2. 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.

3. 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. 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 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 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 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 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 Council's and the employee's consent.

INFORMAL GRIEVANCE PROCEDURE

4. 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 their 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 them), the employee should contact the Chairman of the Staffing Committee or, if appropriate, another member of the Staffing Committee.

FORMAL GRIEVANCE PROCEDURE

5. 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 Chairman of the Staffing Committee.

6. The Staffing Committee will appoint three members to investigate the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

BULLYING OR HARASSMENT

7. If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's Line Manager, or the Chair, if more appropriate, with an indication of the required action. The concern can be raised informally or formally.

8. For Parish Councillors who are accused of bullying or harassment, the matter will be referred to the Monitoring Officer as breach of the Code of Conduct if the complaint has been raised formally.

9. In all other cases, the complaint will then be investigated, and any action taken, and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available, the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being Parish Councillors a Code of Conduct complaint lodged by the Parish Council through the Standards process.

INVESTIGATION

10. 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

11. 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 sub-committee's letter will include the following:

- the names of its Chairman 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 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 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 at least five working days before the meeting.

THE GRIEVANCE MEETING

12. At the grievance meeting:

- the Chairman 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 Chairman will ask the employee what action does they want the 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 Chairman 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 sub-committee.

APPEAL

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

14. Appeals may be raised on a number of grounds, eg:

- a failure by the Council to follow its grievance policy

- 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.

15. The Appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. There may be insufficient members of the Staffing Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

16. 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.

17. At the appeal meeting, the Chairman 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 staffing sub-committee
- explain the action that the appeal panel may take.

18. The employee (or his/her companion) will be asked to explain the grounds of their appeal.

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

20. The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.

21. The decision of the appeal panel is final