



GRIEVANCE PROCEDURE

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This Policy will be reviewed annually by the Personnel Committee.

Adopted: Personnel Committee meeting 8th October 2024 Minute ref S24/05 (b)

Reviewed:

INTRODUCTION

This procedure is designed to encourage and maintain good relationships between the Council and its employees by taking 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. Many problems can be raised and settled during the course of everyday working relationships, so employees should aim to settle most grievances informally with their line manager.

This procedure is based on and complies with the 2015 ACAS Code of Practice and also takes into account relevant law affecting councils.

PRINCIPLES

Employees may be accompanied to or represented by a companion (colleague or trade union representative) at any grievance or appeal meeting. This includes any meeting held to hear about, gather facts about, discuss, consider or resolve their grievance. The companion can confer with the employee but cannot answer questions put to the employee or prevent them from explaining their case.

The Council will give employees reasonable notice of any meetings, at least 7 days unless specific circumstances require otherwise, and the employee must make all reasonable efforts to attend. An employee not attending the meeting can be represented and/or make written submissions. If the employee's companion is unavailable, the employee can request a postponement and propose an alternative date within 7 days of the original meeting.

An employee has a right to appeal against the decision about their grievance.

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 any action taken is confidential to the employee. All records will be held by the Council in accordance with GDPR.

Audio or video recordings of meetings are prohibited, unless agreed by all parties.

If an employee subject to a disciplinary procedure raises a grievance, the grievance will normally be heard after the 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 disciplinary procedure.

Employees can only use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. In this situation, if the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Colchester City Council who will inform the employee whether the complaint can be dealt with under the code of conduct.

The Council may engage external investigators, grievance or appeal panels for the purposes of this process.

If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against councillor, the employee should raise these safety concerns with their line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies and in accordance with the code of conduct regime.

Where the relevant employee is the Clerk themselves, their line manager is considered to be the Chairman of the Personnel Committee, or where the Chairman feels appropriate, the Personnel Committee as a whole.

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 it with their line manager 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 their line manager (for example, because it concerns them), the employee should contact the Chairman of the Personnel Committee or, if more appropriate, another member of the Personnel 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.

FORMAL GRIEVANCE PROCEDURE

If it is not possible to resolve the grievance informally 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. It should be submitted in writing to the Chairman of the Personnel Committee.

The Personnel Committee will appoint a sub-committee of 3 members to hear the grievance if the grievance is raised by or relates to the Parish Clerk. Where the grievance is not raised by or does not relate to the Parish Clerk, the Personnel Committee may appoint the Parish Clerk to hear 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.

INVESTIGATION

If the sub-committee decides that it is appropriate, it may appoint an Investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The Investigator may be an appropriate employee, councillor or an external party. The investigation may include interviews of the employee, other employees, councillors or members of the public.

The Investigator will summarise their findings, usually within an investigation report, and present their findings to the sub-committee.

NOTIFICATION

Within 14 calendar days of the Council receiving the employee's grievance (although 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 names of the Chairman and the other members of the sub-committee
- The date, time and place of the meeting (normally within 35 calendar days of when the grievance was submitted to the Council)
- The employee's right to be accompanied
- A copy of the Council's Grievance Policy
- Confirmation that, if necessary, witnesses may attend (or submit 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 Council with any supporting evidence in advance of the meeting, with at least 2 days' notice
- Findings of the investigation if there has been one
- An invitation for the employee to request any adjustments to be made for the hearing

THE GRIEVANCE MEETING

At the grievance meeting:

- The Chairman will introduce the members of the sub-committee
- The employee, or their companion, will set out the grievance and present the evidence
- The Chairman will ask the employee questions about the information presented and will want to understand what action they would like the Council to take
- Any member of the sub-committee and the employee, or their companion, may question any witness
- The employee, or their companion, will have the opportunity to sum up the case
- The meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee

The grievance panel forming the sub-committee have the authority to issue an apology, correct any pay discrepancies found and refer any other matter back to the Personnel Committee for further action.

The Chairman will provide the employee with the sub-committee's decision, in writing, within 7 calendar days of the meeting, though this may be longer if further investigations were 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.

THE APPEAL

If an employee decides that their grievance has not been satisfactorily resolved by the sub-committee, they may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within 7 calendar days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

Appeals may be raised for reasons including, but not limited to:

- 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 or inappropriate
- New evidence has come to light since the grievance meeting

The appeal will be heard by the Council Chairman or Vice-Chairman, or where possible, a panel of 3 members of the Council who have not previously been involved with the case. The Council may engage external parties if there are insufficient councillors to form the panel. The appeal panel will appoint a Chairman from one of its members.

The employee will be notified, in writing, within 14 calendar days of receipt of the appeal, of the time, date and place of the appeal meeting. The meeting will take place within 35 calendar days of the Council's receipt of the appeal.

At the appeal meeting:

- The Chairman will introduce the members of the panel
- The Chairman will explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the sub-committee
- The Chairman will explain the action that the appeal panel may take
- The employee, or their companion, will be asked to explain the grounds of appeal
- The Chairman will inform the employee that they will receive the panel's decision and reasons, in writing, within 14 calendar days of the appeal meeting, although this may be longer if further investigations are required

The appeal panel may decide to uphold the decision of the Personnel Committee or substitute its own decision. The appeal panel have the authority to issue an apology, correct any pay discrepancies found and refer any other matter back to the Personnel Committee for further action.

The decision of the appeal panel is final.