

Chesil Bank Parish Council

Grievance Policy and Procedure

January 2012- updated 4th Jan 2017

Purpose and Scope

It is Council policy to give employees the opportunity to seek redress for any employment grievance, complaint, problem or concern they may wish to raise with the Council. This document describes the procedure for achieving a speedy, fair and consistent resolution of an individual employee's grievance. It is produced in line with the ACAS Code of Practice 2009 and current employment legislation.

Principles

1. At every stage in the procedure, the employee will be given the opportunity to state his or her case before any decision is made.
2. Grievances will be fully investigated and dealt with promptly and consistently.
3. At all formal stages the employee has the right to be accompanied by a work colleague or professional representative during a grievance hearing.
4. An employee has the right to appeal against any outcome of a grievance hearing.
5. At no time will an employee be penalised or victimised for having raised a grievance against the Council.

Procedure: Stage One - Mediation

Wherever possible, a grievance should be raised informally with the Chairman of the Council, unless the complaint is about the Chairman, in which case it should be raised with the Vice-Chairman. It is Council policy that discussions between both parties * should be entered into with the express purpose of resolving the matter through a process of internal mediation seeking resolution by conciliation. If necessary, and agreeable to both parties *, the services of an external expert may be sought to help reach a conclusion satisfactory to both parties *.

** - "parties" mean the aggrieved person and the person(s) about whom the grievance is raised.*

Procedure: Stage Two - Formal Hearing

If a satisfactory conclusion cannot be achieved by internal mediation, the employee will submit a formal grievance in writing to the Chairman of the Council, or to the Vice-Chairman if the grievance is about the Chairman. Within five working days of receipt of the submission, the Chairman or Vice-Chairman should forward the grievance to a formal panel of three councillors * to be elected initially on the adoption of this procedure, and annually thereafter. That panel should not normally include the Chairman, Vice-Chairman, or any councillor named in the

grievance, but should have the power to co-opt a replacement if a member of the panel is named in a grievance submission.

The convener of the panel will arrange a meeting at a mutually convenient time and place, in order to hear the submission from the employee, together with appropriate evidence, and to take whatever steps the panel consider necessary to resolve the issue(s) raised. It may be necessary to adjourn the meeting for an investigation to take place. Careful consideration of the evidence and the steps required to resolve the issue will be given to the grievance. The parties may call witnesses by prior arrangement with the panel, and the panel may wish to conduct its own investigation through interviewing those witnesses separately. There is no right for an elected member implicated in an employee's grievance to cross-examine the aggrieved during a grievance hearing. The panel may ask the employee what he or she would like to happen as a result of raising the grievance, and will bear this in mind when preparing its response.

** - It may be advisable to nominate four Councillors to attend training courses in grievance handling.*

Response

The panel will inform the employee in writing of its decision within five working days and, where appropriate, include an action plan to assist in the resolution of the grievance. It is Council policy to handle any grievance in an effective and timely manner, agree and publicise the workable solutions, monitor, and review and learn from the experience.

Procedure: Stage Three - Appeal

If the employee is not satisfied with the decision of the panel on his/her complaint, he or she may appeal to the Chairman (or Vice-Chairman as appropriate) against the decision by written notice within five working days of the decision having been received. An appeal may be raised if:

- the employee thinks the finding, or the action plan, is unfair
- new evidence has come to light
- the employee thinks the procedure was not applied properly

On receipt of the appeal, an appeal panel shall be appointed, comprising different councillors with a new chairman, to meet and consult with the employee, and any other persons considered appropriate, without unreasonable delay, to consider the issues and take such steps as may seem necessary to resolve them. It is Council policy to ensure that the members involved in the hearings are able to act impartially and reasonably at all times, and the outcome of the appeal should be conveyed to the employee in writing in timely manner. The decision of the appeal panel will be final.

Unresolved Outcome

If this procedure, fully completed, fails to resolve a grievance or a disciplinary action, it is Council policy to recognise the right of an employee to take the matter further in accordance with the ACAS code of practice and with specialist advice.

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## **NOTES**

### **Confidentiality and Record-keeping**

It is Council policy to keep any grievance confidential between the aggrieved, the councillors investigating the grievance and the person(s) against whom the grievance is raised, but in all cases, a written record of the grievance raised, the Council's responses through mediation and formal hearing, the action taken (with reasons) and details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998 and subsequent legislation.

### **Bullying or Harassment**

If a grievance concerns alleged bullying or harassment, the matter should be reported promptly to the Chairman or Vice-Chairman as appropriate. The complaint will be investigated by the grievance panel and any action taken and resolution achieved will be reported to the employee. If this 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 elected members a Code of Conduct complaint will be lodged by the Council through the processes in force at the time.

### **Disciplinary Rules**

Before any disciplinary action arising from a complaint against the employee is taken by the Council, a notice in writing signed by the Chairman shall be given to the employee. The employee, together with an adviser if desired, will have a full opportunity to answer the complaint at a meeting of the grievance panel held in the absence of the public and the press. If the employee is dissatisfied with the panel's decision, he/she has the right to appeal to the appeal panel of the Council.

Dated 10<sup>th</sup> January 2012

Updated January 2017