



SIMPSON AND ASHLAND PARISH COUNCIL

Grievance Policy for staff

Reviewed and Approved September 2022

Statement of Intent:

1. Simpson and Ashland Parish Council (also referred to in this document as The Council) supports the principles of solving employment issues through discussion and agreement.

This policy complies with the ACAS Code of Practice 2009 ACAS Code of Practice on Disciplinary and Grievance procedures. In all matters addressed internally, the ACAS Code of Practice will apply to the procedure.

This policy aims to encourage and maintain good relationships between The Council and its employee(s) by treating grievances seriously and resolving them as quickly as possible.

This 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 grievance informally with their direct line manager.
3. The policy and procedure is not intended to deal with dismissal or disciplinary matters, which are covered under The Council's separate disciplinary procedure policy.

Principles:

4. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative, work colleague or companion (the latter as agreed by both parties). The companion will be permitted to address the grievance/appeal meetings, to present the employee's case 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 fourteen (14) working days' 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 date.
 - time scales have been fixed to ensure that grievances are dealt with quickly, however, these may be extended if agreed upon by both parties, as circumstances demand.
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final, at stage 3 or if agreed by both sides, at stage 4.
 - 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 the completion of the disciplinary procedure.
 - if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she 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 and the employee's consent.

- all meetings to do with the grievance will be confidential and exclude the public, unless called as a witness. Any witness will keep confidential all matters reviewed and discussed as part of this process.

Procedures:

Informal Grievance Procedure:

5. The Council and its employee(s) benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with the Chair of The Council informally. Should the matter itself concern the Chair, then the employee should approach the Vice Chair or one of the Councillors on the HR Group.

If the matter cannot be resolved informally, then the employee can ask that the matter is referred to objective mediation. The agreement of both parties to the dispute will be necessary and both parties will need to agree to the appointed mediator, who can be another Councillor or an external mediation service.

Formal Grievance Procedure:

Stage 1: Written statement by employee:

6. If the matter cannot be resolved informally or circumstances make informal resolution inappropriate, then the employee should submit a formal written grievance within seven (7) working days. It should be submitted to the Chair of the Council and copied to the HR Group.
7. The Council must respond within seven (7) working days to the grievance unless an extended period of time is agreed by both parties.

Stage 2: Notification, Investigation and Meeting:

8. If it is not possible to resolve this informally, the HR group, made up of 3 Parish Councillor's, will investigate the grievance. The HR group will appoint a Chair from one of its members. No Councillor with direct involvement in the dispute will be appointed to the HR group.
9. The HR group will investigate the matter before the grievance meeting which may include interviewing others (e.g councillors or members of the public).
10. Within fourteen (14) working days of The Council receiving the employee's grievance, the employee will be asked to in writing, to attend a grievance meeting. The HR group's letter will include the following:
 - the names of the Chair and other members,
 - a summary of the employee's grievance based on his/her written submission,
 - a copy of the grievance policy,
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within twenty five (25) working days of when The Council received the grievance,
 - the employee's right to be accompanied by a trade union representative or other companion,
 - confirmation that witnesses may attend on the employee's behalf and the request that the employee should provide the names of his/her witnesses at least five working days before the meeting,
 - The employee will provide The Council with any supporting evidence at least five working days before the meeting.
11. At the grievance meeting:
 - the Chair will introduce the members of the HR group to the employee,
 - the employee (or companion) will set out the grievance and present the evidence,
 - the Chair will ask the employee what action does he/she want The Council to take,
 - any member of the HR group and the employee (or companion) may question any witness,
 - the employee (or companion) will have the opportunity to sum up the case,
 - the Chair will provide the employee with the HR group's decision, in writing, within seven (7) 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 HR group.

Stage 3: Appeal:

12. If the employee wishes to appeal against the outcome of the grievance meeting, or they consider that a proper and fair process was not followed, they must notify the Chair of The Council within fourteen (14) working days from the date of the decision letter. The notification should include written reasons for the appeal.
13. 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 HR group was inadequate/inappropriate,
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard either by a panel of Parish Councillors who did not sit on the panel that made the original decision or by The full Council meeting as a confidential matter. This to be agreed by both parties. If the appeal panel option is chosen, the panel will have not less than three members and its decision will be final, unless stage 4 is agreed to. There may be insufficient members, when excluding the HR group, to make up a panel of three. If this is the case, with the agreement of the employee, a member from a neighbouring Parish Council or another organisation, as agreed by the employee and The Council, may be asked to sit in on the appeal. The appeal panel will appoint a Chair from one of its members.
15. The employee will be notified, in writing, within ten (10) working days of receipt of the appeal of the time, date and venue for the appeal meeting. The meeting will take place within twenty five (25) working days of The Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a by a trade union representative or other companion.
16. At the appeal the Chair will:
 - the Chair will introduce the panel members to the employee,
 - explain the purpose of the meeting, which is to hear the employee's reason for appealing against the decision of the HR group,
 - explain the action that the appeal panel may take.
17. The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
18. The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within seven (7) working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the HR group or substitute its own decision.

Stage 4: External Mediation/Arbitration Appeal

20. If The Council and employee decide and agree, there is a final option for professional mediation or arbitration.
21. This final appeal must be made in writing to the Chair of The Council within ten (10) working days of receipt of the stage 3 response.
22. The Council will seek the services of an external professional expert through a recognised body to forward this process to reach a conclusion satisfactory to both parties in the dispute. This body to be agreed by both parties.
23. This appeal hearing/and or mediation process to be called within twenty five (25) working days.
24. The outcome of the outside mediation/arbitration is final. There is no further right of appeal within this mechanism.

This stage 4 is additional to model policy templates available but in line with ACAS guidance where if internal process is not successful organisations may request help and advice from ACAS re mediation.

Adopted from the NALC model policy 2013 with some amendments by Simpson and Ashland Parish Council.