



Chailey Parish Council

GRIEVANCE POLICY

Introduction

1. This policy 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 and employers should aim to settle most grievances informally.

3. This policy confirms that:

- employees have a statutory right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or work colleague. Under this policy employees also have the right to be accompanied by a lay person of their choosing. Anyone accompanying an employee (hereinafter referred to as “the Companion”) will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her 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 his/her case;
- the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and 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 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 his/her 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 1998;
- 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 he/she raised the grievance in good faith; and
- 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 his/her 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 his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Council.

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 Council unless the Chairman of the Council has direct involvement in the matter, in which case it should be submitted in writing to the Chairman of the Personnel Advisory Committee ("the PAC").

6. The PAC will make arrangements for the investigation of the grievance. At least three members of the PAC shall be appointed by the Chairman of the PAC to undertake the investigation. No member of the PAC with direct involvement in the matter shall be permitted to take part in the investigation and if necessary one or more additional Councillors with no direct involvement in the matter will be co-opted onto the PAC by the Council for the purposes of carrying out the investigation. The members of the PAC appointed to undertake the investigation (hereinafter referred to as "the Panel") will appoint a Chairman from amongst their number.

Investigation

7. The Panel will investigate the matter before the grievance meeting and as part of their investigation may interview other parties, including other employees, Councillors or members of the public.

Notification

8. Within ten working days of receipt of the employee's grievance in writing, the employee will be asked, in writing, to attend a grievance meeting with the Panel. The letter will include the following:

- the names of the members of the Panel and confirmation of their attendance at the meeting;

- a summary of the employee's grievance based on his/her written submission;
- the date, time and place for the meeting. The employee must be given reasonable notice of the meeting which will be within 25 working days of when the Council received the grievance;
- a statement of the employee's right to be accompanied by a Companion;
- 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 his/her witnesses at least five working days before the meeting; and
- a statement informing the employee that he/she must provide the Council with any supporting evidence at least five working days before the meeting.

The grievance meeting

9. At the grievance meeting:

- the members of the Panel will be introduced to the employee, to any Companion and to any witness;
- the employee and/or any Companion will set out the grievance and present the evidence;
- the Chairman of the Panel will ask the employee what action does he/she wants the Council to take;
- any member of the Panel and the employee and/or the Companion may question any witness; and
- the employee and/or any Companion will have the opportunity to sum up the case

10. A grievance meeting may be adjourned for up to five working days to allow matters that were raised during the meeting to be investigated by the Panel.

Communication of the Panel's decision

11. The Chairman of the Panel will provide the employee with the Panel's decision, in writing, within five working days of the conclusion of the meeting or reconvened meeting as the case may be. 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

12. If an employee considers that his/her grievance has not been satisfactorily resolved by the Panel, he/she may submit a written appeal to the Chairman of the Council unless the Chairman of the Council has direct involvement in the matter giving rise to the grievance, in which case it should be submitted in writing to the Chairman of the PAC.

Policy document reference number []

Adopted by resolution of the Council on 16th February 2016

13. The written appeal must be received by the Chairman of the Council or of the PAC (as appropriate) within five working days of the employee receiving the Panel's decision and it must specify the grounds of appeal.

14. Appeals may be raised on one or more of the following grounds:

- a failure by the Council to follow its grievance policy;
- the Panel's decision was not supported by the evidence;
- the action proposed by the Panel was inadequate/inappropriate; and
- new evidence has come to light since the grievance meeting.

15. The appeal will be heard by a panel of three Councillors who shall be appointed by the Council for this purpose and who have not previously been involved in the case (hereinafter called "the Appeal Panel"). The members of the Appeal Panel will appoint a Chairman from amongst their number.

16. The employee will be notified, in writing, within ten working days of receipt of the written appeal of the time, date and place of the appeal meeting. The appeal meeting must take place within 25 working days of receipt of the appeal. The employee will be advised that he/she may be accompanied by a Companion.

17. At the appeal meeting:

- the members of the Appeal Panel will be introduced to the employee and to any Companion;
- the Chairman of the Appeal Panel will explain the purpose of the meeting, being to hear the employee's reasons for appealing against the decision of the Panel; and
- the employee and/or any Companion will be asked to explain the grounds of the appeal.

Communication of the Appeal Panel's decision

18. The Chairman of the Appeal Panel will provide the employee with the Appeal Panel'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.

19. The Appeal Panel may decide to uphold the decision of the Panel in whole or in part or substitute its own decision.

20. The decision of the Appeal Panel is final.