

# HOOE PARISH COUNCIL

## HOOE PARISH COUNCIL GRIEVANCE PROCEDURE

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## 1. INTRODUCTION

This policy is based on and complies with the 2015 ACAS code of practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the Hooe Parish 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 parish council. The policy will be applied fairly, consistently, and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of every day working relationships. Employees should aim to settle most grievances informally.

## 2. This policy confirms:

Employees have the right to be accompanied or represented at a grievance meeting or appeal by companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve the grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employees case for his/her grievance/appeal and 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 parish 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 companion is not available for the proposed date of the meeting, the employee can request a postponement and propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.

Any changes to specified time limits must be agreed by the employee and the parish council. An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.

Information about the 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 General Data Protection Regulations 2018 (GDPR).

Audio or video recordings of the proceedings at any stage of the grievance procedures are prohibited, unless agreed by all affected parties 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 a grievance in good faith.

The parish 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 consent of affected parties.

Employees can use all stages of the grievance procedure if the complaint is not a Code of Conduct complaint about a councillor. Employees can use informal stage of the Council's grievance procedure to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the Council's grievance procedure for a Code of Conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the Monitoring Officer of Wealden District Council who will inform the employee whether or not the complaint can be dealt with under the Code of Conduct. If it does not concern the Code of Conduct, the employer can make a formal complaint under the parish council's grievance procedure.

Whatever the complaint, the parish council has a duty of care to its employees. It must take all reasonable steps to ensure that employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained, and by protecting staff from bullying, harassment and all forms of discrimination.

If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employer should raise the safety concerns with his/her line manager at the informal stage of the grievance procedure. The parish council will consider whether it should take further action on this matter in accordance with any of its employment policies (for example, its Health and Safety policy) and in accordance with the Code of Conduct regime.

### **3. INFORMAL GRIEVANCE PROCEDURE**

The parish council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as the 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 parish council or, if appropriate, another member of the parish council. If 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.

### **4. 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 parish council. The parish council will appoint a committee of three members to hear the grievance. The committee will appoint a chair from one of its members. No councillor with direction involvement in the matter shall be appointed to the committee.

### **5. INVESTIGATION**

If the committee decides that it is appropriate (e.g. the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to

establish the facts of the case. The investigation may include interviews (e.g. with the employee submitting the grievance, other employees, counsellors or members of the public).

The investigator will summarise their findings (usually within an investigation report) and present their findings to the committee.

## 6. **NOTIFICATION**

Within 10 working days of the parish council receiving the employee's grievance (this may be longer if there is an investigation), the employer will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- The names of its chair and other members.
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the parish council receives a grievance.
- The employees right to be accompanied by a workplace colleague, a trade union representative or a trade union official.
- A copy of the parish council's grievance policy.
- Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting.
- Confirmation that the employer will provide the parish council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
- Findings of the investigation if there's been an investigation.
- An invitation for the employee to request any adjustments to be made for the hearing (for example, when a person has a health condition).

## 7. **THE GRIEVANCE MEETING**

At the grievance meeting:

- The chairman will introduce the members of the committee to the employee
- The employee (or 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 the action that he/she wants the parish council to take
- Any member of the committee and the employee (or the companion) may question any witness
- A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the committee.

The chairman will provide the employee with the committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action,

if any, the parish council will take and of the employee's right to appeal.

## **8. THE APPEAL**

If an employee decides that his/her grievance has not been satisfactorily resolved by the committee, he/she may submit a written appeal to the parish council. An appeal must be received by the parish council within five working days of the employee receiving the committee's decision and must specify the grounds of appeal.

Appeals may be raised on a number of grounds, e.g.:

- A failure by the parish council to follow its grievance policy
- The decision was not supported by the evidence
- The action proposed by the committee was inadequate/inappropriate
- New evidence has come to light since the grievance meeting

The appeal will be heard by a panel of three members of the parish council who have not previously been involved in the case. There may be insufficient members of the parish council have not previously been involved, in which case the parish council may approach a councillor from a neighbouring parish council to participate in the appeal hearing. The appeal panel will appoint a chairman from one of its members.

The employee will be notified, in writing, usually within 10 working days of receipt of the appeal, of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the parish council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague or trade union representative or a trade union official.

At the appeal meeting, the chairman will:

- Introduce 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 committee.
- Explain the action that the appeal panel may take.

The employee (or companion) will be asked to explain the grounds of appeal.

The chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of appeal meeting.

The appeal panel may decide to uphold the decision of the committee or substitute its own decision.:

The decision of the appeal panel is final.