

Bardney Group Parish Council

Grievance Procedure

Bardney Group Parish Council Grievance Policy Adopted - June 2019

INTRODUCTION

1. This policy is based on and complies with the 2009 ACAS Code of Practice.

It 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 should aim to settle most grievances informally with their line manager.

3. This policy confirms:

- employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or work colleague. 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 their companions must make all reasonable efforts to attend. If the employee's 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
- 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 chair of the Personnel and Review committee or, if appropriate, another member of the Personnel and Review committee.

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 chair of the Personnel and Review committee.

6. The Personnel and Review committee will appoint a councilor, normally a member of the Personnel and Review Committee, to investigate the grievance as soon as possible, preferably within five days of receiving the grievance. No councilor with direct involvement in the matter shall be appointed to investigate the matter and where necessary an external person can undertake the investigation to ensure fairness and impartiality.

7. The Personnel and Review committee will form a Grievance Panel consisting of two members of the Personnel and Review Panel where possible, and agree who will chair the Grievance Panel. Where councillors have involvement in the grievance other Councilors can be asked to form the panel.

Investigation

8. The appointed investigator will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public) . The investigator should complete where possible the investigation in ten working days and produce a report outlining the grievance and the findings of the investigation.

Notification

9. Within 10 working days of the Grievance Panel receiving the investigators report, the employee will be asked, in writing, to attend a grievance meeting. The letter will include the following:

- the names of the Chairman of the Grievance Panel and the other member
- a summary of the employee's grievance based on his/her written submission
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the council received the grievance
- the employee's right to be accompanied by a trade union representative or work colleague
- a copy of the investigation report
- 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. The Grievance panel will confirm which witnesses can attend because they are relevant to the case.
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

The grievance meeting

10. At the grievance meeting:

- the Grievance Panel will introduce themselves to the employee
- the investigator will set out the grievance and present the evidence.
- the Chairman of the Grievance Panel will ask the employee what action does he/she wants the council to take
- the Grievance Panel and the employee (or the companion) may question any witnesses
- the employee (or companion) will have the opportunity to sum up the case
- the Chairman of the Grievance Panel will provide the employee with the Grievance Panels 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 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 sub-committee.

11. Action that may be taken by the Grievance Panel

- Disciplinary action against an employee
- Mediation
- If it is deemed a Grievance has been raised maliciously or vexicious then disciplinary action may be taken against the employee raising the Grievance
- Any other action deemed suitable.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the Grievance Panel, he/she may submit a written appeal to the Chair of the Personnel and Review committee. An appeal must be received within ten working days of the employee receiving the Grievance Panels decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, eg:

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

14. The Appeal will be heard by the Chair and Vice Chair of the Council, who have not previously been involved in the case. If there has been previously involvement other Councillors will be appointed to hear the Appeal.

15. The Chair of the Council will notify the employee in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a trade union representative or work colleague.

16. At the appeal meeting, the Chairman of the Council will:

- introduce the panel member to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
- 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 and Vice Chair of the Council may call witnesses and the investigator to ask questions and clarify any issues if they deem it appropriate.

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

20. The appeal panel may decide to uphold the decision of the Grievance Panel or substitute its own decision.

21. The decision of the appeal panel is final.

22. GRIEVANCE RAISED BY AN EMPLOYEE AGAINST A COUNCILLOR

23. Where an employee raises a grievance against a Councillor the arrangements below will show how Bardney Group Parish Council will deal with such a grievance Under Section 28(6) and (7) of the Localism Act 2011.

24. The Grievance must show how an elected or co-opted member of the Parish Council has failed to comply with the Parish Council Code of Conduct. The Personnel and Review Committee will appoint an independent person to investigate the grievance. The Personnel and Review Committee will then make a decision on whether the grievance should be referred to the Monitoring Officer at West Lindsey.

25. Any grievances relating to matters that took place over six months ago will not be considered unless the Monitoring Officer believes if they were proven it would result in a significant breach of the Code of Conduct.

This policy will be reviewed in three years or earlier at the request of the Council or employees

Dated June 2019
