

Grievance Policy and Procedure

1. Introduction

The grievance procedure enables the Council to ensure that any problems, complaints, or concerns raised by employees are dealt with in a fair, timely and consistent manner. If an employee has a grievance or complaint regarding:

- 1.1 their work, working conditions, pay and benefits, working hours; or
- 1.2 discrimination on the grounds of race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin; or
- 1.3 treatment by colleagues including harassment and bullying; or
- 1.4 their health and safety or a breach of statutory employment rights; or
- 1.5 any other issue affecting their employment,

it should be raised in line with this procedure.

Complaints in respect of disciplinary action taken by the Council should be dealt with as an appeal under the disciplinary procedure.

Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about the Councillor. If the complaint is about a Councillor, employees can use the informal stage of the Council's grievance procedure and if it is not resolved at this stage, the employee can contact the Monitoring Officer of the local authority who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If the Monitoring Officer decides that it does not concern the code of conduct, the employee can make a formal complaint under the Council's grievance procedure. If the Monitoring Officer decides that it is a complaint under the code of conduct, the employee cannot proceed with the grievance beyond the informal stage procedure.

2. Informal Procedure

- 2.1 Employees should, where possible, discuss the grievance or complaint with the Clerk or the Chair of the Council on an informal basis first. They will discuss any concerns with the employee and attempt to resolve the matter within a reasonable timescale. Where it is not possible for the employee to talk to these members, or if the grievance concerns him or her, the employee should instead talk to a senior member, for instance the Vice Chair.
- 2.2 If the 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.
- 2.3 Where the informal procedure is used, both parties should keep a written record of the meeting including what was discussed and any proposed action.
- 2.4 If the grievance has not been resolved or cannot be settled informally, the matter should be dealt with in accordance with the formal grievance procedure.

Grievance Policy and Procedure

3. Formal Grievance Procedure:

3.1 Written Statement

The aggrieved employee must first send a written statement detailing the nature of the grievance to the Chair of the Council without unreasonable delay and the Council will hear the grievance.

3.2 Investigation

3.2.1 If the Council decides it is appropriate, for instance if 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.

3.2.2 The investigation may include interviews, for instance the employee submitting the guidance, other employees, Councillors, or members of the public.

3.2.3 The Investigator will summarise their findings usually within an investigation report represent their findings.

3.3 If the Council decided that there is a case to answer, it will setup a Sub-Committee of 3 Councillors to formally transact the grievance procedure and hear the grievance. The Sub-Committee will appoint a Chair from one of its members. The investigator will not sit on the Sub-Committee. The Sub-Committee will make recommendations to the Council.

3.4 Grievance Meeting

3.4.1 Upon receiving the written statement, the Chair of the Sub-Committee will arrange for a formal meeting to be held in order to discuss the grievance. The formal meeting will be held without unreasonable delay and usually no longer than 5 working days after the statement of grievance is received.

3.4.2 The meeting must not take place if the Sub-Committee has not had a reasonable opportunity to consider their response to the information.

3.4.3 Before the meeting, a thorough investigation of the facts relating to any allegations must take place. Any requests for anonymity and confidentiality should be taken seriously.

3.4.4 The employee may, following a reasonable request, be accompanied by a colleague, a suitably certified trade union representative or an official employed by a trade union. The companion may not, however, answer questions on behalf of the employee.

3.4.5 The employee's chosen companion will be able to address the meeting to put or sum up the employee's case, as well as confer with the employee during the meeting. They may not, however, answer questions on the employee's behalf, address the meeting if the employee does not wish them to do so or prevent the Sub-Committee or Council from explaining their case.

3.4.6 The Sub-Committee reserves the right to refuse to accept a companion whose presence may undermine the grievance process.

Grievance Policy and Procedure

- 3.4.7 The Sub-Committee, employee and their companions shall make every effort to attend the meeting. If the employee fails to attend the grievance hearing without explanation or seems to make insufficient efforts to attend, then the hearing may proceed in the employee's absence.
- 3.4.8 If possible, the employee should explain how they think the grievance could be resolved.
- 3.4.9 If a further investigation of the matter is required, then the meeting should be adjourned to a later date before a decision is taken about how to deal with the employee's grievance.
- 3.5 Outcome of meeting
 - 3.5.1 Following the meeting and investigation and without unreasonable delay, the Chair of the Sub-Committee shall set out in writing the outcome of the hearing and any action they intend to take to resolve the grievance (if appropriate).
 - 3.5.2 The Chair of the Sub-Committee shall also inform the employee of their right to appeal if they are not satisfied with the action taken.
 - 3.5.3 Any action taken shall be monitored and reviewed, as appropriate, to ensure it effectively deals with the issue.
- 3.6 Appeal
 - 3.6.4 Employees have the right to appeal where they feel their grievance has not been satisfactorily resolved.
 - 3.6.2 The request for an appeal must state the grounds for the appeal and should be submitted to the Chair of the Council in writing within 5 working days of receiving written confirmation as to the outcome of the grievance meeting. The grounds for appeal may include:
 - 1. A failure of by Council to follow its grievance policy.
 - 2. The decision was not supported by the evidence.
 - 3. The action proposed was inadequate/inappropriate,
 - 4. New evidence has come to light since the grievance meeting.
 - 3.6.3 The Chair of the Council will arrange a further meeting to discuss the appeal within a reasonable time of receiving the request for an appeal. The Council will hear the appeal without unreasonable delay, dealt with impartially and where possible the appeal will be dealt with by a panel of 3 Councillors not previously involved in the case including the investigator. The Appeal Panel will appoint a Chair from its members. The employee will be informed of the time and place of the appeal in advance.
 - 3.6.4 The appeal hearing is not a re-hearing of the original appeal but a consideration of the specific areas of dissatisfaction in relation to the original grievance.

Grievance Policy and Procedure

- 3.6.4 The employee has the right to be accompanied at the appeal meeting and the outcome of the appeal meeting shall be communicated to the employee in writing within 5 working days. Decisions made at this point are final and the grievance procedure is concluded.

4. Confidentiality

- 4.1 Grievances will be handled with as high a degree of confidentiality as is practicable.
- 4.2 Confidential records of the grievance will be kept in the employee's personnel file in accordance with the Council's Data Protection Policy. Data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

This procedure has been reviewed, approved, and authorised by:

Date: 14th July 2022

Signature of Chair:

