

## FROGMORE & SHERFORD PARISH COUNCIL

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### **POLICY & PROCEDURE: GRIEVANCE**

**PURPOSE:**

This Policy and Procedure describes the steps to be taken if an employee of Frogmore & Sherford Parish Council raises a concern, problem or complaint with the Council

**SCOPE:**

This document only applies to employees of the Frogmore & Sherford Parish Council

*Complaints (grievances) arising from the general public will be handled using the Policy and Procedure '**Complaints to Frogmore & Sherford Parish Council**'*

## **POLICY:**

### **1. Principles:**

- 1.1 This document is written with reference to the ACAS Code of Practice 1, published in 2009
- 1.2 Grievances are concerns, problems or complaints that an employee raises with the Council. It is hoped that most issues can be dealt with by informal discussion. If this proves impossible the formal procedure that follows sets out clear rules and processes for handling grievance situations fairly and transparently.
- 1.3 The Council's policy is to encourage and maintain good relationships with employees by treating grievances seriously and resolving them as quickly as possible. This procedure sets out how an employee can raise his/her concerns, problems or complaints about his/her employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 1.4 If an employee wishes, it is accepted that he/she has the right to be accompanied or represented during meetings concerning grievances. The details of this process are also set out in the Procedure.
- 1.5 An employee can appeal decisions taken concerning a grievance if the outcome is considered unjust or unfair. Grievances that are not upheld will not be considered grounds for disciplinary action against the employee.
- 1.6 A grievance may arise during disciplinary proceedings. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 1.7 Reasonable notice will be given to the employee on the scheduling of meetings and discussions. Employees should respect such timings and be available to attend as agreed.
- 1.8 Records of the grievance and meetings related to it will be confidential. Outcomes from the grievance process will be communicated to the employee in writing without unreasonable delay.
- 1.9 The Council may consider mediation at any stage of the grievance procedure if appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). This course of action must be agreed between the Council and the employee concerned..

## **PROCEDURE**

### **2. Informal Procedure**

- 2.1 As soon as a problem arises, you should raise it with the Chair to see if an informal solution is possible. You should both should try to resolve the matter at this stage.
- 2.2 If you do not want to discuss the grievance with the Chair (for example, because it concerns the Chair), you should contact another suitable person eg a member of the HR Committee..
- 2.3 If it becomes clear that the grievance cannot be resolved informally you should raise the matter formally as described in Section 3 below.

### **3. Formal Procedure**

#### **3.1 Step 1 – Let the Employer Know the nature of the Grievance**

- If it is not possible to resolve the grievance informally you should raise the matter formally and without unreasonable delay with the Chair. Or, if the grievance concerns the Chair, with a member of the HR Committee.
- This should be done in writing and should set out the nature of the grievance.
- If the grievance concerns the Chair or Vice Chair, the Chair will seek external advice on how the matter should be best handled.

#### **3.2 Step 2 – The Council will arrange a Meeting with you to discuss your Grievance**

- After the grievance is received and without unreasonable delay the Council will arrange a formal meeting to discuss your concerns.
- A Panel will be formed to hear the grievance. [see 3.6]
- The Council will agree a date after consulting with you, taking into consideration the need to collect evidence.
- You have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the Council to an employee. See 3.5

#### **3.3 Step 3 – The Formal Grievance Meeting**

The Panel described in 3.2/3.6. will investigate the matter, as appropriate to the circumstances, prior to the meeting. This may involve collecting documentation or interviewing others who may be involved.

At the meeting: -

- The Panel will be prepared to adjourn the meeting if more evidence or investigation is required.
- You will be allowed to explain the nature of your grievance and how you think it should be resolved.
- The evidence that has been gathered will be examined
- You will be allowed to set out your case and answer any questions that have been raised.
- You will be given the opportunity to ask questions, present evidence and call relevant witnesses.
- Give you the opportunity to raise points about any information from witnesses.
- You will always be given advance notice of our intention to call witnesses and expect that you, as an employee, will do the same.

### 3.4 **Step 4 – Reporting the Outcome**

- Following the meeting, the Council will decide on what action, if any, to take.
- The decision will be notified to you in writing, usually within 5 working days.
- Where appropriate, this notification will set out what action the Council intend to take to resolve the grievance.
- The communication will be made in confidence.
- If you feel the matter has not been fully resolved you can appeal the decision and request the matter be reviewed again.

### 3.5 **Notes on being accompanied at the meeting**

- You have a statutory right to be accompanied by a companion at a Grievance Meeting that deals with a complaint about a duty owed to you by the Council as your employer. So this would apply where the complaint is, for example, that the Councillor is not honouring your contract, or is in breach of legislation.
- You must let the Panel know in advance if you wish to be accompanied at the meeting. You must make your request to be accompanied clear. The person must not be someone whose presence would prejudice the hearing or be from a remote location if someone suitable and willing is available locally.
- The Council will normally allow a companion to support you at your grievance hearing, provided they are not directly involved with the matter concerned. This could be a Trade Union representative or fellow employee. Where there are no other employees you will need to seek the Panel's consent to your choice of companion.
- If the companion cannot attend on the original meeting date, the hearing must be postponed if the employee proposes a reasonable alternative date that is within five working days.
- The companion will be allowed to address the hearing to put and sum up your case, respond on your behalf to any views expressed at the meeting and confer with you during the hearing. However, they cannot answer questions on your behalf, address the hearing if the employee does not wish it.

### 3.6 **Notes on Choosing the Panel to Hear the Grievance**

- A Panel will be formed to hear the grievance. This will be comprised of three persons. The panel will not include any individual involved in the grievance, but would (subject to this proviso) be chaired by either the Chair or Vice Chair of the Council. It will also include at least one member of the HR Committee.
- If the grievance involves a member of the Council, the Chair will seek external advice on the composition of the Panel hearing the grievance.

### 3.6 **Appeal**

- If you feel that the decision taken was unjust or that a proper or fair process was not followed you have the right of appeal, provided it is made in writing to the Chair/Vice Chair (as appropriate) to the Council within five working days of being notified.
- You must set out in full the grounds on which the appeal against the decision is made.

3.6.1 • A committee or panel consisting of at least three members who did not sit on the committee or panel that made the original decision will hear the appeal. Its' decision will be final.

3.6.2 • On receipt of notice of your appeal, the Appeals Panel shall be entitled to seek such other submissions, verbally or in writing, from you or such other persons as appropriate.

- This stage of the procedure will be either a rehearing or a review of the original decision.

3.6.3 • You have the same right to have a companion present at the appeal hearing as with the original grievance hearing.

3.6.4 • The employee will be advised of the outcome of the appeal in writing as soon as possible after the hearing.