

SOUTH HEIGHTON PARISH COUNCIL

Grievance Policy/Procedure

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Notes and Background

The Parish Council is committed to achieving good local governance. This means that the Parish Council wants to ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

To help the Parish Council achieve this we aim to follow the six principles of good local governance:

1. Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles;
3. Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
5. Developing the capacity and capability of members and officers to be effective;
6. Engaging with local people and other interested persons to ensure robust public accountability.

As a first tier of local government the Parish Council is directed and controlled by central government legislation. This document is one of a number, which together, sets out the systems and processes of how the Parish Council works within this framework and, as importantly, our culture and values on the way we work, so that we may fulfil these six principles.

This Grievance Procedure is based on the National Association of Local Council's (NALC) Legal Topic Note 22 and the appended model grievance procedures issued in January 2013.

It has been prepared in the light of advice and guidance given in "Being a Good Employer – A Guide for Parish and Town Councillors" published by the National Training Strategy for Town & Parish Councils.

It should be read in conjunction with the other adopted policies, procedures and protocols of the Parish Council such as the Council's Standing Orders and the "Roles and Responsibilities of Councillors and Officers Protocol", which deals in more detail with what is expected of Councillors, the Clerk and any appointed officer of the Parish Council in respect of their roles, responsibilities and working relationships. In particular it should be read in association with the Council's complementary Disciplinary Procedure which sets out how the Council will formally deal with concerns about employee misconduct or poor performance.

The Council is committed to being a responsible employer and the adoption and application of this Procedure is part of this commitment.

For their part the Parish Clerk and any other officer appointed by the Parish Council is also expected to comply with the principles of this Procedure and abide by its outcomes.

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1.0 Structuring of Procedures

Committees and Panels

- 1.1 The Parish Council has a limited number of Councillors to fulfil the various roles set down in the NALC model to avoid Members being involved in more than one aspect of the procedure or the grievance itself. Consequently minor amendments have had to be made to facilitate a practical and manageable procedure to meet the circumstances of the Council. In normal circumstances the Committees/Panels relevant to this Grievance Procedure will be established in the following way:
- a) The Council will appoint at its Annual Meeting a Personnel Committee consisting of three Members, but excluding the Chairman and Vice Chairman of the Council. In respect of this Grievance Procedure the Personnel Committee will have delegated authority to act as the Council's Grievance Panel to consider and resolve grievances raised by employees.
 - b) Should an appeal under the terms of this Grievance Procedure be received by the Council, then the Council will appoint an Appeals Panel. This Panel/Committee will be made up of the Vice Chairman of the Council and two other Members who are not members of the Personnel Committee. This Panel/Committee will have delegated authority to decide to uphold the decision of the Grievance Panel or substitute its own decision.

Establishing Alternative Procedural Arrangements and Notification

- 1.2 If, at the time of a grievance, there are insufficient Members serving on the Council to fulfil this adopted Grievance Procedure, the Chairman of the Council has delegated authority, through the adoption of this Procedure, to consult with the Sussex Association of Local Council's (SALC) with a view to establishing an appropriate mechanism by which the grievance can be addressed. When the structure and details of these alternative arrangements have been finalised they will be presented to the Council for adoption to deal with this particular grievance. These alternative arrangements will seek to incorporate the key elements of this grievance procedure, namely:
- An investigation and resolution of the grievance by Members of the Council.
 - An opportunity to appeal to a Panel led by a Member of the Council.
 - The principles set out in paragraph 3.5

2.0 Supplementary Procedures

Recording of Meetings

- 2.1 Proceedings will normally be minuted by someone appointed by the Council in consultation with SALC.

Mediation

- 2.2 Mediation may be appropriate at any stage of the grievance procedure (for example where there have been communication breakdowns or allegations of bullying and harassment). Mediation is a confidential dispute resolution process.. The mediator is an independent person who helps individuals or groups try to find a solution. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and clarify the options for resolving their difference or dispute.

- 2.3 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). It can be requested by either party at any stage of the grievance procedure, but requires, through a resolution of the full Council, the Council's and the employee's consent.

Data protection

- 2.4 Information about grievance matters should be restricted to those involved in the grievance process. Any action or grievance outcome should remain confidential. The employee's grievance records should be held by the Council in accordance with the Data Protection Act 1998. The personnel files of the Parish Clerk are held by the Chairman of the Council, the personnel files in respect of other appointed Officers or employees of the Council are held by the Parish Clerk.

3.0 Introduction

- 3.1 This Grievance Procedure provides a process through which employees can raise work-related concerns. The Council also has a Disciplinary Procedure which provides a process by which the Council can deal with its concerns about employee misconduct or poor performance.
- 3.2 Many minor grievance and disciplinary matters can be resolved informally, through appropriate supervisory and management procedures. However, formal policies such as this can help Councils deal with employment disputes fairly, consistently and in accordance with equality legislation.
- 3.3 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.
- 3.4 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. In the case of Parish Council employees this will normally be the Parish Clerk, but in the case of the Parish Clerk this will be the Chairman of the Council.
- 3.5 This policy confirms:
- a) 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 their 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 their case.
 - b) 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.

- c) any changes to specified time limits must be agreed by the employee and the Council.
- d) an employee has the right to appeal against the decision about their grievance. The appeal decision is final.
- e) 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.
- f) the employee's grievance records will be held by the Council in accordance with the Data Protection Act 1998.
- g) 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.
- h) 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.
- i) if a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.
- j) 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.

4.0 Informal Grievance Procedure

- 4.1 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 Parish Clerk, or the Parish Clerk with the Chairman of the Council, to see if an informal solution is possible. Both parties should try to resolve the matter at this stage.
- 4.2 If the employee does not want to discuss the grievance with the Parish Clerk (for example, because it concerns the Parish Clerk), the employee should contact the Chairman of the Council or, in their absence, the Vice Chairman of the Council. If the Parish Clerk does not wish to raise it with the Chairman of the Council (for example because it concerns the Chairman) then they should contact the Chairman of the Personnel Committee or, in their absence, the Vice Chairman of the Council.

5.0 Formal Grievance Procedure

- 5.1 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 Personnel Committee, or if relating to the Chairman of the Personnel Committee to the Chairman of the Council.
- 5.2 The Personnel Committee would normally form the Grievance Panel to investigate the grievance with the authorisation to resolve the grievance on behalf of the Council. However, no Councillor with direct involvement in the matter raised in the grievance should be appointed to the Grievance Panel. If a member(s) of the Personnel Committee is/are involved in the grievance then they will be required to stand down from the Panel and the Council will appoint another Member(s), other than the Vice Chairman of the Council, to the Panel in their place.

Investigation

- 5.3 The Grievance Panel will investigate the matter before the Grievance Meeting which may include interviewing others (e.g. employees, Councillors or members of the public).

Notification

- 5.4 Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a Grievance Meeting. The Grievance Panel's letter will include the following:
- a. the names of its Chairman and other members.
 - b. a summary of the employee's grievance based on their written submission.
 - c. 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.
 - d. the employee's right to be accompanied by a trade union representative or work colleague.
 - e. a copy of the Council's Grievance Policy (this document).
 - f. confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of their witnesses at least five working days before the meeting.
 - g. confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

The Grievance Meeting

- 5.5 At the grievance meeting:
- a) the Chairman will introduce the members of the Panel to the employee.
 - b) the employee (or companion) will set out the grievance and present the evidence.
 - c) the Chairman will ask the employee what action they want the Council to take.
 - d) any member of the Panel and the employee (or the companion) may question any witness.
 - e) the employee (or companion) will have the opportunity to sum up the case.
- 5.6 The Chairman will provide the employee with the 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 and of the employee's right to appeal.
- 5.7 A Grievance Meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Panel.

The Appeal

- 5.8 If an employee decides that their grievance has not been satisfactorily resolved by the Grievance Panel, they may submit a written appeal to the Chairman of the Personnel Committee. An appeal must be received by the Council within five working days of the employee receiving the Grievance Panel's decision and must specify the grounds of appeal.

- 5.9 Appeals may be raised on a number of grounds, eg:
- a) a failure by the Council to follow its grievance policy.
 - b) the decision was not supported by the evidence.
 - c) the action proposed by the Panel was inadequate/inappropriate.
 - d) new evidence has come to light since the grievance meeting.
- 5.10 The appeal will be heard by an Appeals Panel of normally three members of the Council who have not previously been involved in the case i.e. no members of the Personnel Committee. There may be insufficient Members of the Council who have not previously been involved. If so, in consultation with SALC, consideration will be given by the Council to appointing third party member(s) to complete the Panel. The final established Appeals Panel will then hear the appeal. The Appeals Panel will appoint a Chairman from one of its members, which would normally be the Vice Chairman of the Council who does not serve on the Personnel Committee.
- 5.11 The employee will be notified, 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 they may be accompanied by a trade union representative or work colleague.
- 5.12 At the Appeal Meeting, the Chairman will:
- a. introduce the Panel members to the employee.
 - b. explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Grievance Panel.
 - c. explain the action that the Appeals Panel may take.
- 5.13 The employee (or their companion) will be asked to explain the grounds of their appeal.
- 5.14 The Chairman will inform the employee that they will receive the decision and the Panel's reasons, in writing, within five working days of the appeal meeting.
- 5.15 The Appeals Panel may decide to uphold the decision of the Grievance Panel or substitute its own decision.
- 5.16 The decision of the Appeals Panel is final.