

Billinge Chapel End Parish Council

Grievance Procedure

Purpose and Scope

The Council's policy is to give employees the opportunity to air and seek redress for any individual employment grievance they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council. This document describes the procedure to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

Principles

At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.

Grievances will be dealt with promptly and consistently

At all formal stages, the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.

An employee will have the right to appeal against any outcome of a Grievance Hearing.

At no time will an employee be penalised or victimised for having raised a Grievance against the Council

Procedure

Wherever possible, a grievance should be raised informally with the employee's line manager. In the case of the Clerk raising a grievance, this should be directed to the Chair unless the complaint is about them, in which case another member can be identified to handle the Clerk's concerns. The recipient of a grievance from the Clerk should share it with the Personnel committee and the issues should be treated with discretion and confidentiality.

Written Statement: If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing.

Meeting or Hearing: Generally, within a reasonable period of time (e.g. five working days of receipt of a written complaint), the line manager or Chair of the appropriately convened committee will arrange a meeting with the employee. This should be in a confidential location, free from interruptions. The manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate

and take such steps as s/he shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the Committee. There is no right for a member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the Committee may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Committee may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

Response: The employee will be informed of the decision in writing which, where appropriate, will include an action plan to assist in the resolution of the problem. Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience.

Appeal: If the employee is dissatisfied with the decision, s/he may appeal against it to the Chair or other elected member by written notice within five working days. An Appeal may be raised if the employee thinks the finding or action plan is unfair, new evidence has come to light or the employee thinks the procedure was not applied properly

On receipt of the appeal the Council's Appeals Committee shall arrange to meet and consult with the employee and any other persons, as s/he shall consider appropriate without unreasonable delay. The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. Where the Council's Chair has chaired the initial grievance meeting, the Vice Chair will hear the appeal and the decision of the Appeal Hearing will be final. The Council will need to ensure the members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

Bullying or Harassment: If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's line manager, or another member if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available the employee will be notified. As a result of an investigation into a claim of harassment, disciplinary action may be instigated against any alleged perpetrators, or in the case of alleged perpetrators being elected members, a Code of Conduct complaint lodged by the Council through the Standards process.

Right to be Accompanied: At any formal stage of the procedure, an employee may be accompanied by a fellow employee of their choice, their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

Hearing Committees

The SLCC advise that councils establish hearing Committees to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal Committee member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as Committee members.

Confidentiality: So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the manager or member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be advised.

Record Keeping: In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

Grievances Raised During Disciplinaries

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual members. The SLCC recommends, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but SLCC would advise caution and specialist advice should be sought if this arises.

Getting It Wrong

Following the repeal of the 2004 Dispute Resolution regulations, employees no longer have to raise a grievance before going to an employment tribunal. However, establishing a mechanism for differences and disputes to be resolved internally can often allow the employment relationship to continue. Failure to follow the ACAS Code of Practice (available at www.acas.org.uk) when dealing with grievances can lead to an Employment Tribunal awarding an uplift of an award against a council of up to 25%.

Note that this grievance procedure will be reviewed annually with the next review due in May 2018.