

# Hawkley Parish Council

---

## **Grievance Procedure, September 2023**

**Review due: August 2024**

### **1. Introduction**

- 1.1. This procedure applies to all employees of the Parish Council.
- 1.2. The objectives of the procedure are:
  - To foster good relationships between the Parish Council and its employees by discouraging the harbouring of grievances.
  - To settle grievances as near as possible to their point of origin.
  - To ensure the Parish Council treats grievances seriously and resolves them as quickly as possible.
  - To ensure that employees are treated fairly and consistently throughout the Parish Council.
- 1.3. Matters excluded from this procedure are as follows:
  - Appeals against salary or grading.
  - Appeals against disciplinary actions.
  - Income tax, national insurance matters, rates of pay collectively agreed at the national or local level.
  - Rules of pension schemes.
  - A grievance about a matter over which the Parish Council has no control.

### **2. Informal Grievance Procedure**

- 2.1. In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Chair of the Parish Council or if the grievance is with the Chair, then the Staff Panel with a view to resolving the matter informally. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.
- 2.2. Any written complaint or grievance raised which alleges that a member or co-opted member of the authority has failed to comply with the authority's Code of Conduct will be dealt with under the Code of Conduct Procedure.

### **3. Formal Grievance Procedure**

- 3.1. The employee must set out his/her grievance in writing ("Statement of Grievance"). You should give as much information about your grievance, including any relevant dates and times, as you can, so as to allow for any investigation into your concerns to take place.
- 3.2. A grievance will normally be dealt with by the Chair of the Staff Panel and should be addressed to them directly. Where the grievance is directly concerned with the Chair of the Staff Panel's behaviour, the employee should submit their grievance to the Chair of the Parish Council who will arrange for somebody who is not directly involved in the issue to deal with it.

3.3. The employee will be invited to attend a grievance meeting to discuss the matter.

- The employee must take all reasonable steps to attend the meeting.
- Grievance meetings will normally be convened with 14 days of the Council receiving the Statement of Grievance.
- The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative.
- If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.

3.4. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the line manager time to consider the decision.

3.5. Once the investigations are concluded, if new information comes to light, if it is considered appropriate, the employee may be invited into a reconvened meeting, to have the opportunity to consider and respond to the findings of the investigation.

3.6. After the meeting the employee will be informed of the Parish Council's decision (the meeting may be reconvened for this purpose). The Parish Council's decision will be confirmed to the employee in writing.

3.7. If the employee wishes to appeal against the Parish Council's decision he or she must inform the Parish Council within 5 working days of receiving the decision and must specify the grounds of appeal.

3.8. Appeals may be raised on a number of grounds, e.g.:

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

3.9. If the employee notifies the Parish Council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before the Parish Council's Staff Panel. The appeal will be heard by a panel of three members of the Staff Panel who have not previously been involved in the case. There may be insufficient members of the Staff Panel who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Staff Panel. The appeal panel will appoint a Chairman from one of its members.

3.10. 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.

3.11. The appeal 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 workplace colleague, a trade union representative or a trade union official. The employee must take all reasonable steps to attend that meeting but if the meeting time is inconvenient for the employee (or his or her companion), the employee may ask to postpone the meeting by up to 5 working days.

- 3.12. At the appeal meeting, the Chair will:
- introduce the panel members 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.
- 3.13. The employee (or companion) will be asked to explain the grounds of appeal.
- 3.14. The Chairman 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.
- 3.15. The appeal panel may decide to uphold the decision of the Grievance committee or substitute its own decision.
- 3.16. The decision of the appeal panel is final.

#### **4. Allegations of Misconduct**

4.1 Where an employee is making allegations of misconduct on the part of other employees then the Parish Council may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens, the grievance will be held over until the disciplinary process has been concluded.

#### **5. Relationship with Other Procedures**

5.1. Where an employee's grievance relates to the conduct of other procedures such as the disciplinary procedures then the Parish Council may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

#### **6. General Procedural Information**

6.1. Grievances raised under the standard Parish Council grievance procedure will normally be investigated, and any meetings to discuss the grievance conducted by the Chair of the Staff Panel.

6.2. If an employee's grievance is about the Chair of the Staff Panel they should raise the matter with the Chair of the Parish Council. All investigations and any grievance meeting will be conducted by the said Staff Panel and any grievance appeal meeting will be conducted by the Appeals Panel.

6.3. A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's personnel file, together with any notes or evidence taken or compiled during the course of the procedure.