



Astley Village Parish Council

GRIEVANCE PROCEDURE

1. PURPOSE AND SCOPE

It is the policy of the Parish Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Parish Council. This document describes the procedure which aims 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.

2. PRINCIPLES

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently
- c) 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.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a Grievance against the Parish Council

3. PROCEDURE

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. In the case of the Parish Clerk raising a grievance this should be directed to the Chair of the Personnel Committee unless the complaint is about the Chair in which case another Member of the Personnel Committee can be identified to handle the Parish Clerk's concerns.

3.2 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 to the Chair of the Personnel Committee (or another Member of the Personnel Committee if the complaint is about the Chair).

3.3 Meeting or Hearing

The Parish Council will appoint an independent advisor to support the process including attending all meetings and be responsible for maintaining written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments to be retained and kept

Generally, within a reasonable period of time e.g., five working days of receipt of a written complaint, the Chair of the Personnel Committee (or another Member of the Personnel Committee if the complaint is about the Chair) will arrange a meeting with the employee. The Chair (or another Member of the Personnel Committee if the complaint is about the Chair) will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The Chair (or another Member of the Personnel Committee if the complaint is about the Chair) 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.

If the Grievance cannot be resolved, a meeting of the Personnel Committee will be convened (Chaired by a member of that Committee who has not involved in the investigation) where careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The Chair of the Personnel Committee (or another Member of the Personnel Committee if the complaint involves the Chair) will present the findings of their investigation and the employee may call witnesses (by prior arrangement with the Chair of the Personnel Committee considering the matter). There is no right for a Parish Councillor or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the Personnel Committee may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Personnel 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.

3.4 Response

The Chair of the Personnel Committee considering the matter will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. The Parish Council will 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. There may be some value in exploring Mediation as a way in which to resolve differences between two parties. The Society of Local Council Clerks can advise on approaches and bodies which may be able to assist.

3.5 Appeal

If the employee is dissatisfied with the decision of the Personnel Committee on his/her complaint s/he should inform the Chair of the Personnel Committee considering the matter that had considered the matter within five working days, in writing and giving reasons for the appeal. An Appeal may be raised if:

- The employee thinks the finding or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by the Chair of the Parish Council and two Parish Councillors who have not been involved in the original grievance hearing conducted by the Personnel Committee, who will view the evidence with impartiality and will consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. The employee will have the right to be accompanied by a colleague or accredited official employed by a trade union or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. The decision taken at the Appeal hearing will be final.

3.6 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 manager/Member if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any 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 of the action or in the case of alleged perpetrators being elected Members a Code of Conduct complaint lodged by the Parish Council through the Monitoring Officer.

3.7 Right to be Accompanied

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or 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.

3.8 Confidentiality

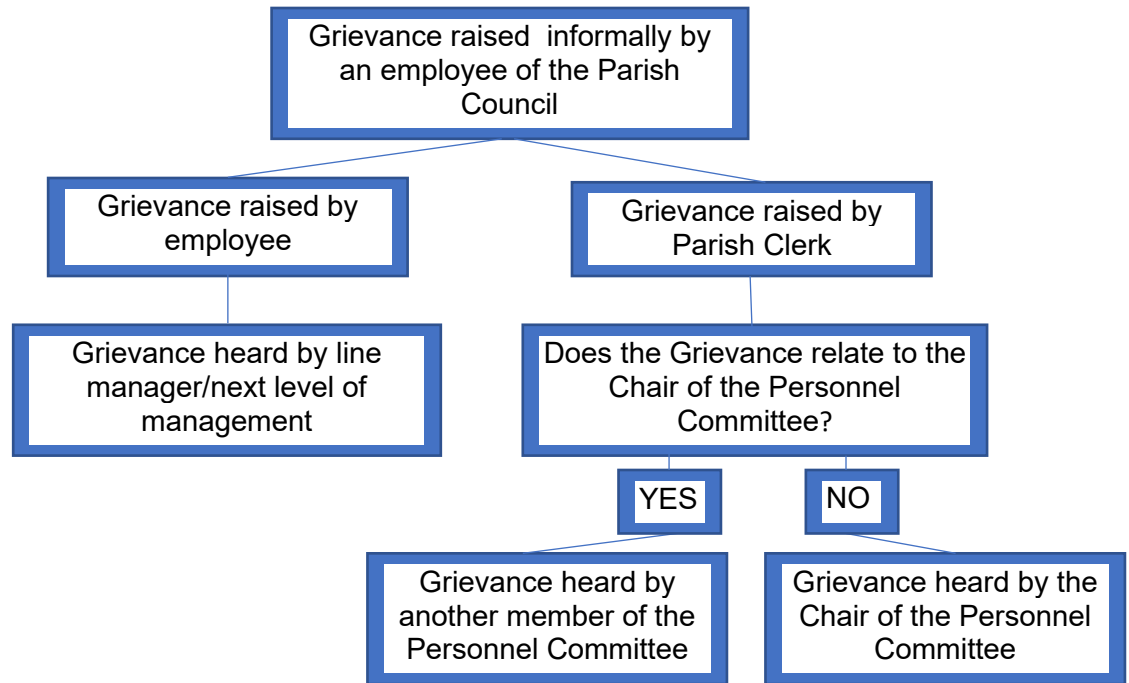
So far as is reasonably practicable, the Parish Council will keep any grievance or complaint of harassment confidential between the manager or Member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate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

3.9 Grievances raised during Disciplinary

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 Parish Council or individual Members. In such cases, 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 specialist external advice will be sought if this arises.

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INFORMAL



FORMAL

