

# Aston Clinton Parish Council

## Grievance Policy

Adopted: March 2024 Next Review: March 2026

### 1. Introduction

- 1.1 This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS Guide on discipline and Grievances at Work. 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. This policy sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council.
- 1.2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

### 2. Principles

- 2.1 At every stage in the procedure, the employee will be given the opportunity to state their case before any decision is made.
- 2.2 Grievances will be dealt with promptly and consistently by the Finance & Staffing Committee.
- 2.3 At all formal stages, the employee will have the right to be accompanied by a work colleague or trade union representative.
- 2.4 An employee will have the right to appeal against the decision about their grievance. The appeal decision is final.
- 2.5 At no time will an employee be penalised or victimised for having raised a grievance against the Council.

### 3. The Procedure

#### 3.1 Informal Procedure

The Council and its employees benefit if grievances are resolved informally and as quickly as possible. Employees should, where possible, discuss a grievance or complaint with the Clerk on an informal basis first. The Clerk will discuss any concerns with the employee and attempt to resolve the matter within a reasonable timescale. Where it is not possible for the employee to talk to the Clerk as the grievance concerns them the employee should instead talk to the Chair of the Council's Finance and Staffing Committee.

- 3.1.2 Where the informal procedure is used, both parties should keep a written record of the meeting, including what was discussed and any proposed action.
- 3.1.3 Where the matter is more serious or informal action has not brought about the necessary improvement the formal procedure below will be used.

#### 3.2 Formal Procedure

- 3.2.1 If it is not possible to resolve the grievance informally, the employee will send a written statement detailing the nature of the grievance to the Clerk or where it is the Clerk who is the subject of the grievance, the employee should instead send the written statement to the Chair of the Finance & Staffing Committee.
- 3.2.2 The Chair of the Finance & Staffing Committee will appoint a Grievance Panel of three members of the committee to investigate the grievance which may include interviewing others (e.g. employees, councillors, contractors, members of the public).

3.2.3 The Grievance Panel will appoint a Chair from one of its members.

3.2.4 No councillor with direct involvement in the matter shall be appointed to the Grievance Panel.

3.3 Notification: 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:

- the names of its Chair and other members;
- a summary of the employee's grievance based on their written submission
- the date time and place for the meeting. The employee will be given notice of the meeting which will be within 25 working days of when the Council received the grievance;
- the employee's right to be accompanied by a companion (a workplace colleague, a trade union representative or a trade union official);
- a copy of the Council's grievance policy;
- 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;
- a request that the employee will provide the Grievance Panel with any supporting evidence at least five working days before the grievance meeting.

3.4 Grievance Meeting: at the grievance meeting:

- the Chair will introduce the members of the Grievance Panel to the employee;
- the employee (or companion) will set out the grievance and present the evidence;
- the Chair will ask the employee what action they want the Council to take;
- any member of the Grievance Panel and the employee (or companion ) may question any witness;
- the employee (or companion) will have the opportunity to sum up the case.

3.4.1 A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Grievance Panel.

3.4.2 The Chair will provide the employee with the Grievance 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 the employee's right to appeal.

## **4. The Appeal**

4.1 If an employee decides that their grievance has not been satisfactorily resolved by the Grievance Panel, they may submit a written appeal to the Council.

4.2 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.

4.3 Appeals may be raised on a number of grounds, for example:

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

4.4 The appeal will be heard by an Appeal Panel of three members of Council who have not previously been involved in the case.

4.5 The Appeal Panel will appoint a Chair from one of its members.

4.6 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. The meeting will take place within 25 working days of the Council's receipt of the appeal.

- 4.7 The employee will be advised they may be accompanied by a companion (a workplace colleague, a trade union representative or a trade union official).
- 4.8 At the appeal meeting, the Chair will:
- introduce the Appeal 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 Grievance Panel;
  - explain the actions the Appeal Panel may take.
- 4.9 The employee (or companion) will be asked to explain the grounds of appeal.
- 4.10 The Chair will inform the employee that they will receive the decision and the Appeal Panel's reasons, in writing, within five working days of the appeal meeting.
- 4.11 The Appeal Panel may decide to uphold the decision of the Grievance Panel or substitute with its own decision.
- 4.12 The Appeal Panel's decision is final.

## **5. Confidentiality**

- 5.1 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.

## **6. Record Keeping**

- 6.1 In all cases, written records of the nature of the grievance raised, the employee's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Council's Data Protection Policy.

## **7. Grievances Raised During Disciplinary**

- 7.1 If an employee who is already subject to a disciplinary process raises a grievance, the disciplinary process may be suspended temporarily 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.