



Stratfield Mortimer Parish Council

Grievance Policy

Adopted by the Finance and General Purposes Committee of Stratfield Mortimer Parish Council on 5 September 2023.

Introduction

1 Statement

This Policy is based on and complies with the 2015 ACAS Code of Practice and takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between Stratfield Mortimer Parish 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. This Policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Throughout this document the term Council where appropriate refers to the Personnel Sub-Committee of the Council.

Many problems can be raised and settled during everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

2 This Policy confirms that:

- employees have the right to be accompanied or represented at a Grievance Meeting or appeal by a workplace colleague, a friend, a trade union representative, or a trade union official - 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, but cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case;
- the Council will give employees reasonable notice of the date of any Grievance/Appeal Meetings – the employee and their companions must make all reasonable efforts to attend but if they fail to do so a further meeting will be arranged, however a failure to attend a second meeting may result in it going ahead and a decision being taken in the employee's absence;
- 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 5 working days of the original meeting date;
- any changes to specified time limits must be agreed by the employee and the Council;
- an employee has the right to appeal against the decision about their grievance – such an appeal decision is final;

- information about an employee's grievance will be restricted to those involved in the grievance process - any record of the reason for the grievance, its outcome and action taken is confidential to the employee, and the employee's grievance records will be held by the Council in accordance with the General Data Protection Regulations 2018;
- 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;
- 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;
- if a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.

Process for dealing with grievances

3 Informal grievance procedure

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 their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their manager (for example, because it concerns the manager), the employee should contact the Chairman of the Personnel Sub-Committee or, if appropriate, another member of the Personnel Sub-Committee.

4 Mediation

Wherever possible, if the informal procedure has not resolved the problem, it may be appropriate to consider formal mediation, and the Council will consider appointing a mediator from an external mediation provider

Mediation is a dispute resolution process which requires the Council's and the employee's consent. The process involves an impartial third party, the mediator, who helps 2 or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. A mediator oversees the process of seeking to resolve the problem but not the outcome.

Mediation is:

- less formal;
- flexible;
- voluntary;
- morally binding but normally no legal status;
- confidential;
- (generally) unaccompanied;
- owned by the parties.

5 Formal grievance procedure

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 Sub-Committee.

The Council's Personnel Sub-Committee will, normally within 10 working days of receiving a formal grievance, appoint an Investigator who will be responsible for undertaking an investigation - a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a Councillor. If the Personnel Sub-Committee considers that there are no Councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council.

5.1 Investigation

The Investigator may investigate the matter before any Grievance Meeting which may include interviewing others (for example employees, Councillors, or members of the public).

5.2 Notification

Within 5 working days of the Council appointing the Investigator, the employee will be asked, in writing, to attend a Grievance Meeting. The Investigator's letter will include the following:

- 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 reasonable 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 workplace colleague, a friend, a trade union representative, or a trade union official;
- a copy of this 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 5 working days before the meeting;
- confirmation that the employee will provide the Council with any supporting evidence at least 5 working days before the meeting.

5.3 The Grievance Meeting

At the Grievance Meeting:

- the Investigator will explain the purpose of the meeting;
- the employee (or companion) will set out the grievance and present the evidence;
- the Investigator will ask the employee what action they want the Council to take;
- the Investigator and the employee (or the companion) may question any witness;
- the employee (or companion) will have the opportunity to sum up the case.

A Grievance Meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Investigator.

After the Grievance Meeting:

- the Investigator will provide the Personnel Sub-Committee an assessment as to whether there is a case to answer and any recommendations for action, in writing, within 5 working days of the meeting;
- within a further 5 working days, the Personnel Sub-Committee will write to the employee explaining any action, if any, that the Council will take and of the employee's right to appeal.

6 Appeal

If an employee decides that their grievance has not been satisfactorily resolved, they may submit a written appeal to the Personnel Sub-Committee. An appeal must be received by the Council within 5 working days of the employee receiving the decision and must specify the grounds of appeal.

The grounds for appeal are that:

- the Council failed to follow this Policy; or
- the decision was not supported by the evidence; or
- the action proposed was inadequate or inappropriate; or
- new evidence has become known since the Grievance Meeting.

The Appeal will be heard by a panel of 3 Councillors who have not previously been involved in the case. The Appeal Panel will appoint a Panel Chairman from one of its members.

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 workplace colleague, a friend, a trade union representative, or a trade union official.

At the Appeal Meeting, the Panel Chairman will:

- introduce the Appeal Panel to the employee;
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Personnel Sub-Committee;
- explain the action that the Appeal Panel may take.

The employee (or their companion) will be asked to explain the grounds of their appeal.

The Panel Chairman will inform the employee that they will receive the decision and the Appeal Panel's reasons, in writing, within 5 working days of the Appeal Meeting.

The Appeal Panel may decide to uphold the decision of the Personnel Sub-Committee or substitute its own decision.

The decision of the Appeal Panel is final.

Document control

Version	Date	Editor	Changes	Approved	
				On	By
0.1	29/06/23	H Geary	Review, reformatted and minor amendments		
0.2	29/08/23	G Bridgman	Further formatting and amendments		
0.3	05/09/23	G Bridgman	Changes as minuted at F&GP meeting		
1.0	05/09/23		Adopted	05/09/23	F&GP