



GRIEVANCE POLICY & PROCEDURE

1. PURPOSE & SCOPE

It is the policy of Chesham Bois Parish Council to give its 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 Council.

This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This document can also be used in conjunction with complains arising under the Dignity at Work/Bullying and Harassment Policy. This procedure is produced by the Society of Local Council Clerks in line with the ACAS Code of Practice 2015 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 Council 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 Council.

3. PROCEDURES

- 3.1 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 Clerk raising a grievance this should be directed to the Chairman of the Council unless the complaint is about the Chairman in which case another Councillor can be identified to handle the Clerk's concerns. The recipient of the grievance from the Clerk should share the grievance with the relevant committee established to handle employment matters and the issues should always be treated with discretion and confidentiality.
- 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 their line manager, or if this is inappropriate to the next level of management.
- 3.3 **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 Chairman will convene a Hearing Panel of three Councillors and will arrange a meeting with the employee. The Hearing Panel will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

The Hearing Panel 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 in order 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 Hearing Panel. There is no right for a Councillor or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing, but the panel may wish to make its own

investigations through interviewing these individuals and/or other witnesses separately. The Hearing Panel may ask the employee what s/he would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

- 3.4 **Response:** The Hearing Panel will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem.
- 3.5 **Appeal:** If the employee is dissatisfied with the decision of the Hearing Panel s/he may appeal against the decision to the Chairman or other Councillor by written notice within five working days of the decision. An Appeal may be raised if:
- The employee thinks the finding, or action plan, is unfair
 - New evidence has come to light
 - The employee thinks that the procedure was not applied properly.

On receipt of the appeal the Chairman of the Council shall convene an Appeals Panel of three different Councillors and arrange to meet and consult with the employee, the line manager or Councillors concerned and any other persons, as s/he shall consider appropriate without unreasonable delay.

The Appeals Panel 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 Chairman has chaired the initial grievance meeting the Vice Chairman or Chairman of another committee will Chair the Appeals Panel, the decision of the Appeals Panel will be final. The Council will need to ensure that the Councillors 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.

- 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/Councillor 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. Refer to the Dignity at Work/Bullying and Harassment Policy for further details.
- 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. The employee must make their request to be accompanied clear. The companion will be allowed to address the Hearing Panel, put and sum up the employee's case, respond to views expressed at the Hearing and 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 **Hearing Panels:** In situations where individual Councillors are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as Hearing/Appeal Panel members.
- 3.9 **Confidentiality:** So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the manager or Councillor 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.
- 3.10 **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 2018.
- 3.11 **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 Council or individual Councillors. In such cases disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed.