

Redgrave Parish Council

Grievance Policy and Procedures

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice¹. It also takes account of the ACAS guide on discipline and grievances at work². It aims to encourage and maintain good relationships between Redgrave Parish Council (“the 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. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

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

3. This policy confirms:

- a. Employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
- b. The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the 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 five working days of the original meeting date unless it is unreasonable not to propose a later date.
- c. Any changes to specified time limits must be agreed by the employee and the Council
- d. An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
- e. 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. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- f. Audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- g. 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.
- h. If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.

¹ <http://www.acas.org.uk/index.aspx?articleid=2174>

² https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acasguide/pdf/DG_Guide_Feb_2019.pdf

- i. The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- j. Employees can use all stages of the grievance procedure If the complaint is not a Code of Conduct complaint about a councillor. Employees can use the informal stage of the Council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the Council's grievance procedure for a Code of Conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Mid-Suffolk District Council who will inform the employee whether or not the complaint can be dealt with under the Code of Conduct. If it does not concern the Code of Conduct, the employee can make a formal complaint under the Council's grievance procedure (see paragraph 5 above). If the grievance is a Code of Conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the Council's grievance procedure.
- k. However, whatever the complaint, the Council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- l. If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy) and in accordance with the Code of Conduct regime.

Informal grievance procedure

4. 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 his/her 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 his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of Council or, if appropriate, another councillor. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a Code of Conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Council.

6. The Council will appoint a committee of three members to hear the grievance. This committee will appoint a chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the committee.

7. If the committee decides that it is appropriate (e.g., if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting

to establish the facts of the case. The investigation may include interviews (e.g., the employee submitting the grievance, other employees, councillors or members of the public).

8. The investigator will summarize his/her findings (usually within an investigation report) and present these findings to the committee.

ⁱⁱ <http://www.acas.org.uk/index.aspx?articleid=2174>