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# Grievance Policy and Procedure

## Policy Statement

For the purposes of this policy, the Parish Manager will report to the Staffing Working Party in the first instance, any other members of staff will report to the Parish Manager in the first instance.

The Council recognises that employees may experience problems, have complaints or concerns on a variety of issues, such as

- terms & conditions of employment
- health & safety
- work relations
- working environment & conditions
- workload
- harassment or bullying.

This policy and supporting procedure provides a mechanism for such complaints to be dealt with fairly, speedily and consistently.

Complaints of harassment or bullying by a member of the public or service user during the course of an employee's work should be raised with their line manager, who will advise on the appropriate course of action.

For clarity, this policy does not apply in the following circumstances. Please refer to the appropriate policy or process to deal with those particular issues.

Salary & Grading issues	Through re-evaluation and job evaluation appeal process.
Redundancy, Capability, Disciplinary and Whistle blowing issues	Through the relevant policy & procedure for the issue.
Concerns expressed by a group of employees via the trade unions	This is a collective grievance and is dealt with by management directly with the trade unions.

## Principles

The following core principles underpin how the Council will act when dealing with grievances:

The Council will:

- Investigate the facts fairly and consistently and handle grievances with due respect, sensitivity and confidentiality for the rights of all parties involved.
- Conduct each step and action of this procedure without unreasonable delay.
- Allow employees to be accompanied at grievance meetings.
- Allow employees to explain their case at grievance meetings.
- Give employees the opportunity to exercise their right of appeal.
- Not discriminate on the grounds of sex, disability, age, race, marital status, religion, colour, nationality, ethnic or national origin, or because of their sexuality or sexual orientation, trade union membership or activity or any other characteristics contained within the Equality Act 2010.

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# West Swindon Parish Council GRIEVANCE PROCEDURE

## Grievance Procedure

### 1. Receiving a complaint

- 1.1 West Swindon Parish Council is committed to resolving employee complaints, problems, and concerns promptly through effective communication. Complaints raised by an employee should in the first instance be resolved through informal discussions between the employee and the Parish Manager or a representative from The Staffing Working Party.
- 1.2 If the line manager is the subject of the employee's complaint then the employee should raise the complaint with the Staffing Working Party.
- 1.3 Complaints can be raised by making a complaint in writing to their line manager. The employee should ensure that the grievance clearly details the basis for their complaint. The complaint must also contain details of what outcome the employee is looking for.
- 1.4 The employee should discuss their complaint in a constructive way, making practical and reasonable suggestions about how to put things right. This approach prevents undue delay, minimises anxiety to the employee and fosters good working relations. In some circumstances a meeting may be suggested to try and resolve the matter without a full investigation. However, if after the initial meeting the issue has not been resolved, the Parish Manager or the Staffing Working Party will investigate the matter formally and inform the employee of their findings and recommendations.
- 1.5 The aim of discussing the issues is to settle grievances as quickly and as close to the issue as possible.
- 1.6 Employees are advised to raise complaints as soon as possible after the event that triggered the grievance so that the memory of the event is fresh and the matter can be dealt with fairly and quickly.

### 2 Grievance Investigation

- 2.1 If after the initial meeting the issue has not been resolved, the Parish Manager or the Staffing Working Party representative will investigate and gather sufficient information and try to seek a workable solution.
- 2.2 The investigation may include interviewing witnesses and gathering other information.

- 2.3 Sufficient notes will need to be taken during the investigation to support their findings and come to a conclusion.
- 2.4 In most cases a report will be produced containing findings and recommendations, which will be sent to the employee in advance of the grievance meeting.
- 2.5 If the investigation becomes a disciplinary issue then the case will follow the disciplinary procedure.

### **3 Grievance Meeting**

- 3.1 Following the investigation, a grievance meeting will be arranged where the Parish Manager or the Staffing Working Party will hear the grievance and make a decision on the outcome. The employee has the right to be accompanied at the grievance meeting.
- 3.2 The grievance meeting should take place as soon as the investigation has been completed and collate the information and findings in a report. A copy of the report and any supplementary evidence that has been gathered should be made available to whoever is holding the grievance meeting.
- 3.3 A copy of the grievance report will be sent to the employee at least five working days prior to the grievance meeting.
- 3.4 The aim of the grievance meeting is for the Parish Manager or the Staffing Working Party and employee and/or companion to openly discuss the matter with a view to achieving a satisfactory resolution and to make a decision on the outcome.

The grievance meeting must allow for:

- The employee's right to be accompanied.
  - The employee to explain their grievance and propose solutions that the employee believes would satisfactorily address their grievance.
  - The Parish Manager or the Staffing Working Party representative to be given the opportunity to explain the findings of the investigation into the grievance.
  - The Parish Manager or the Staffing Working Party to make a decision and explain the employee's right of appeal.
  - The Parish Manager or the Staffing Working Party representative to inform the employee of who the appeal officer will be, which can be either the Staffing Working Party or the Chair of the Parish Council.
- 3.5 At the grievance meeting the Parish Manager or the Staffing Working Party will decide on one of the following:
    - The grievance is not upheld.
    - The grievance is upheld in part and an appropriate resolution is provided.
    - The grievance is upheld in full and an appropriate resolution is provided.

- 3.6 The Parish Manager or the Staffing Working must confirm their decision in writing, within five working days of when the decision has been made. This should contain a brief outline of the findings of the investigation, the reason for the decision taken, the employee's right of appeal and right to be accompanied at an appeal hearing.

#### **4 Appeal Hearing**

- 4.1 If the employee wishes to appeal against the decision taken at the grievance meeting, they must put in writing that they wish to appeal to the Staffing Working Party or the Chair of the Parish Council and give details of their grounds for appeal within ten working days from the receipt of the letter confirming the decision of the grievance meeting.
- 4.2 The appeal will be heard by either the Staffing Working Party (excluding the representative involved in the investigation) or the Chair of the Parish Council.
- 4.3 The employee has a right of appeal on the grounds that:
- The decision taken at the grievance meeting was unfair.
  - There were serious procedural irregularities resulting in an unfair grievance meeting.
  - New evidence has come to light.
- 4.4 The Appeal Hearing must ensure that:
- Documents are exchanged:
    - The employee provides the Staffing Working Party or the Chair of the Parish Council with their case submission at least 10 working days before the date of the appeal hearing setting out the grounds and detail of the appeal.
    - The Management side provides the Staffing Working Party or the Chair of the Parish Council with their response to the employee's appeal submission at least 5 working days before the appeal.
    - The Staffing Working Party or the Chair of the Parish Council will send out the submissions to relevant parties at least 3 working days before the appeal hearing.
  - The employee has the right to be accompanied.
  - The employee explains the grounds for their appeal.
  - The Staffing Working Party or the Chair of the Parish Council explains the reasons for the decision taken at the grievance meeting and may be accompanied by who investigated the complaint.
  - The Staffing Working Party or the Chair of the Parish Council will make a decision and will inform the employee of that decision within five working days from when the decision is made.
  - The Appeal Hearing concludes the employee's right of appeal.

## An employee's right to be accompanied

- 5.1 Employees have a right to be accompanied at a grievance meeting. This right also extends to any meetings held after an employee has left council employment.
- 5.2 West Swindon Parish Council may also afford employees the right to be accompanied during the informal stage provided it does not delay the process unduly.
- 5.3 West Swindon Parish Council will recognise a companion as:
- A fellow employee
  - An official employed by a trade union, or a lay trade union official
  - Determined on a case-by-case basis, and by agreement by all parties concerned, a companion who is neither a fellow employee, nor trade union official. (E.g. equalities related issues).
- 5.4 Before the grievance meeting takes place the employee should tell the Parish Manager, Staffing Working Party or the Chair of the Parish Council whom they have chosen as a companion. This is to ensure that employee doesn't choose a companion whose presence would prejudice the meeting or who might have a conflict of interest.

## Roles & Responsibilities

- 6.1 **Employees will:**
- Use this procedure to try to resolve their complaints/grievances and are encouraged to try to resolve such complaints informally with their line manager in the first instance.
  - Give details of a suggested solution to resolve the issue.
  - Notify the Parish Manager, Staffing Working Party or the Chair of the Parish Council of whom their companion is and endeavour to be available for meetings to reduce time delays.
- 6.2 **The Parish Manager, Staffing Working Party or the Chair of the Parish Council will:**
- Investigate all grievances raised by their employees, initially through the informal route and if not resolved, through the formal route.
  - Organise witness interviews relating to the investigation into the grievance.
  - Take sufficient notes of investigatory interviews relating to the grievance during the grievance process.
  - Write standard letters to the aggrieved employee (see model letters on intranet).
  - Present findings of the investigation at the grievance meeting.
  - Attend the appeal hearing if necessary.
- 6.3 **The Companion:**  
A companion can be a fellow colleague or a friend. If the employee's companion is unable to attend an investigatory interview or grievance meeting then the employee may suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed.

A companion can at interview, grievance meeting and appeal hearing:

- Address the hearing to put the employee's case forward on their behalf.
- Sum up the employee's case.
- Respond on the employee's behalf to any view expressed at the hearing.
- Request an adjournment to confer with the employee during the hearing.
- Not respond to questions on behalf of the employee.

The Parish Manager, Staffing Working Party or the Chair of the Parish Council will ensure that no persons will be involved in the grievance procedure who may prejudice the process or who may have a conflict of interest. This includes an employee's companion.

## **7 Dealing with Special Situations**

### **7.1 Employee Well-being**

There may be a certain amount of anxiety for the parties involved when dealing with a grievance case. Managers and employees are advised to be mindful of their own and of colleagues' well-being during the grievance process.

### **7.2 Sickness absence during the grievance process**

If any employee involved in the grievance falls sick during the grievance process, they should follow the normal sickness reporting procedures. The employee will then be deemed to be on sick leave pending their return to work. If, during the course of the investigation the employee goes off sick, the investigation is not put on hold. But in principle, the Council expects them to attend investigatory interviews and meetings.

### **7.3 Grievances from ex-employees**

Grievances from an ex-employee will be dealt with in the following way:

Once a grievance has been received from an ex-employee, The Parish Manager, Staffing Working Party representative or the Chair of the Parish Council should hold a meeting with the ex-employee to ascertain the details and the desired outcome.

The decision on the grievance is then communicated to the ex-employee in writing and a right of appeal is offered. Any appeal received will be a paper based appeal, again without an appeal hearing being convened. It will be the next level of management or another appropriate officer who will make the decision on the appeal, which will be communicated in writing to the ex-employee.

