



# BRAMFORD

## PARISH COUNCIL



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## GRIEVANCE POLICY

### Introduction

This policy applies to all employees of the Council.

The objectives of this policy are to:

- foster good relationships between the Council and its employees by discouraging the harbouring of grievances
- settle grievances as near as possible their point of origin
- ensure the Council treats grievances seriously and resolves them as quickly as possible
- ensure employees are treated fairly and consistently

The following matters are excluded from this policy

- appeals against salary or gradings
- appeals against disciplinary actions
- income tax, national insurance matters, rates of pay collectively agreed at the national or local level
- rules regarding pension schemes
- grievances about matters over which the council has no control.

This policy confirms,

- Employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative, a trade union official or any other relevant person. 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
- 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 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 five 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 his/her grievance. The appeal decision is final
- 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 relevant data protection legislation.
- 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
- 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 Council's and the employee's consent.

### **Informal Grievance Procedure**

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with their HR Chair with a view to resolving the matter informally if appropriate.

If the employee feels that this is not appropriate, or they wish to pursue a formal grievance they should follow the procedure detailed below.

### **Formal Grievance Procedure (Standard Council 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 members of the HR committee.

The HR committee will appoint a sub-committee of 3 members to investigate the grievance. The sub-committee will appoint a chairman from one of its members. No Councillor with direct involvement in the matter shall be appointed to the sub-committee.

The sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public).

### **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 sub-committee's letter will include the following:

- the names of its chairman and other members
- a summary of the employee's grievance based on his/her 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 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
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

### **The grievance meeting**

At the grievance meeting:

- the chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the chairman will ask the employee what action they want the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity, to sum up the case
- the chairman will provide the employee with the sub-committee'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 of the employee's right to appeal
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### **The appeal**

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

Appeals may be raised on a number of grounds, i.e.

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

The Appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. The appeal panel will appoint a 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 he/she may be accompanied by a workplace colleague, a trade union representative, or a trade union official

At the appeal meeting, the chairman will:

- introduce the 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 HR sub-committee

- explain the action that the appeal panel may take.

The employee (or his/her companion) will be asked to explain the grounds of their appeal. The chairman will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.

The decision of the appeal panel is final.