

# CLIFFORD CHAMBERS & MILCOTE PARISH COUNCIL

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## Grievance Policy

### Introduction

Clifford Chambers & Milcote Parish Council is keen to uphold a good, constructive working relationship with all members of staff based on mutual respect and understanding. We acknowledge that from time to time this relationship may be called to account and give rise to concerns in the workplace of either a grievance or disciplinary nature. This policy considers the strategy for dealing with a grievance.

### 1. Definition of a grievance

**Subject matter** A grievance is a concern, dissatisfaction or complaint raised by an employee. It can pertain to various aspects of their involvement with the parish council, such as working conditions, employment terms, discrimination, harassment, decisions, policies, conduct or any other matter related to their role. It does not apply to redundancy dismissals or the non-renewal of fixed-term contracts on their expiry.

**Specificity** A grievance should be specific and relate to a particular incident, situation, or issue. It should not be a general or vague expression of dissatisfaction but rather a clear and detailed description of the problem.

**Personal** This policy will deal with a grievance raised by individual members of staff only; it is not to be used to deal with a collective grievance.

**Expression** A grievance may be formally or informally expressed to the employer.

**Non-criminal** Any complaint relating to criminal activity should be reported to the appropriate authorities.

### 2. Policy statement

Clifford Chambers & Milcote Parish Council will follow the ACAS Code of Practice on disciplinary and grievance procedures.

**3. Principles**

- a) Our procedures will be fair, specific and clear.
- b) If formal action is needed it will be reasonable or justified and will depend on the council's circumstances at the time, such as the council's size and resources available to us.
- c) Procedural fairness for dealing with a grievance will expect the council as the employer to:

- \*Raise and deal with issues promptly and not unreasonably delay meetings, decisions, or confirmation of those decisions.
- \*Act consistently.
- \* Ensure confidentiality and privacy towards anyone raising a grievance.
- \*Carry out any necessary investigations, to establish the facts of the case.
- \*Allow employees to be accompanied at any formal grievance meeting.
- \*Decide on appropriate action.
- \*Allow an employee to appeal against any formal decision made.
- \*Not penalise or victimise an employee for having raised a grievance

#### 4. Procedurea.

- a. **Staffing Committee and Appeals Panel.** The council will appoint a Staffing Committee at each annual council meeting with clear terms of reference, and at the same time will appoint an appeals panel consisting of different members to the Staffing Committee, to ensure they will be already in post if a workplace dispute arises. The appeals panel may consider disciplinary and grievance hearings. Any committee or panel member who is implicated in the dispute, or has undertaken the investigation, will need to be substituted.
- b. The Staffing Committee will not include the Chairman of the Council as a member. The Appeals Panel will include the Chairman of the Council as a member and no members of the Staffing Committee to ensure a fair, untainted and transparent appeal hearing process.
- c. **Informal grievance.** Wherever possible we will support and encourage all employees to talk through their concerns before an issue becomes overbearing and difficult to cope with. Specific concerns should be discussed, informally, with the employee's line manager or if this is inappropriate, with the next level of management / Staffing Committee chairman.
- d. It will be generally acknowledged that the informal issues raised will be shared with the Staffing Committee where they will be treated with discretion and confidentiality at all times.
- e. **Formal grievance.** If the informal route is inappropriate or does not deal with the matter, the employee should submit the grievance in writing to their line manager or Chairman of the Staffing Committee. If the complaint is about either of those people, the complaint should be addressed to the council's Chairman.
- f. **Meeting.** The recipient of the complaint will arrange a meeting of the Staffing Committee to meet with the employee to hear their complaint. This meeting will not be open to the public and will be carried out at a mutually convenient time and place free from interruption. If any member of the Staffing Committee has greater

knowledge of the grievance, is related to the employee or is otherwise subjectively involved, they will be excused from taking part in the whole process and the Council must appoint an alternative committee member; this eventuality may have been covered at the Annual Council meeting. If not, and to ensure timeliness, this may require the calling of an Extraordinary Council meeting.

- g. The line manager or committee chairman will investigate the substance of the complaint and hear from the employee who may provide other submissions or evidence as appropriate and may call witnesses by prior arrangement with the committee. See also point 5H below.
- h. Both the Staffing Committee and the employee will be expected to seek a resolution and the employee will be asked what they would like to happen as a result of raising the grievance. However, it may be necessary to adjourn this first meeting to allow for an investigation to take place. If the grievance relates to a council member's transgression of the council's Code of Conduct, refer to points 5D to G below.
- i. **Investigation.** The Staffing Committee may appoint a member of the council, or a member of another council if there are insufficient untainted members, to undertake an investigation into the grievance. The investigator will be free of any relationship with the employee and the grievance raised and will be expected to remain impartial. The investigation will be undertaken promptly and will report to the Staffing Committee within a stated timeframe.
- j. **Decision.** The Staffing Committee will meet to consider the outcome of the meeting with the employee and the investigation report if there is one, to weigh up the options including any cost implications and the risks involved. The committee will reach a decision either upholding or dismissing the grievance, to be communicated to the employee in writing by the Chairman. The decision may refer to mediation as a way of resolving differences between the two parties.
- k. **Response.** As soon as possible after reaching its decision, the Chairman of the Staffing Committee will notify the decision in writing to the employee and if appropriate include an action plan for resolving the grievance.
- l. **Appeal.** If the employee is not satisfied with the decision, they may appeal to the council's Chairman in writing within five days of being notified of the Staffing Committee's decision. The grounds on which an appeal may be raised are:
  - (1) The employee thinks the finding or action plan is unfair.
  - (2) New evidence has come to light.
  - (3) The employee thinks the procedure was not applied properly.

- m. As soon as possible after receipt of the appeal notification, the council's Chairman will call a meeting of the Appeals Panel to consult with the employee, their line manager, members concerned, and any other persons considered appropriate.
- n. If the requirement upon panel members to be objective and impartial cannot be met and the number of panel members consequently falls to less than three, the Staffing Committee may seek to make up the numbers from a neighbouring local council or from the District Council's Monitoring Officer. Such action will be agreed in the absence of the public at a scheduled meeting of the council, or at an Extraordinary meeting convened by the Chairman.
- o. The Appeals Panel will consider the issues and whether the Staffing Committee's decision was appropriate; the Panel may reverse or uphold that decision and provide justification for doing so. If appropriate the Panel may put forward actions to be taken to resolve the issue.
- p. The Appeal Panel's decision will be final and will be conveyed to the employee in writing in a timely manner.

## **5. Other matters.**

**A. Bullying and Harassment.** If the solution proposed after the first meeting does not work, or is not accepted by the employee, rather than appeal the employee should discuss the matter again with their line manager / Staffing Committee Chairman to seek an alternative solution. At all times following the raising of a grievance, the employee's line manager should arrange for regular informal updates to monitor the situation and provide assurance to the employee that the council is prepared to support them.

**B.** Following the raising of a grievance relating to bullying and harassment and subsequent investigation, the Staffing Committee may take disciplinary action against the perpetrator of the complained about behaviour if they are employed by the council.

**C.** If the bullying and harassment is directed at the employee by a member of the public and an approach to the perpetrator by the council Chairman and/or the Chairman of the Staffing Committee fails to resolve the complained of behaviour, the Staffing Committee will refer the matter to the police.

**D.** If the bullying and harassment is directed at the employee by a member of the council, the Staffing Committee will immediately notify the district council's Monitoring Officer under the Code of Conduct complaints procedure and await the

outcome of their investigation before taking any action, or not, against the council member.

**E.** In the instance described in D and prior to the outcome of any investigation by the Monitoring Officer, the Staffing Committee will ensure steps are taken to safeguard the employee whilst acknowledging that no specific remedial action may be taken against the council member.

**F.** Safeguarding may include allowing the employee to work from home, ensuring the employee's physical surroundings are safe, that the employee is not alone when working in the public-facing council office or in meetings, nominating a council member to provide support, and providing an emergency number for the employee to call whenever necessary. Clifford Chambers and Milcote Parish Council:

**G. Civility and Respect.** The council will adopt the measures outlined by the NALC / SLCC Civility and Respect project.

**H. Right to be accompanied.** Subject to reasonable request, the employee has the right to be accompanied to grievance meetings by a fellow employee of their choice or a union representative. They are not entitled to be accompanied by anyone unconnected with the internal procedure, such as a parent or partner.

**I.** The employee's companion may address the meeting, put the employee's case and sum-up, respond to views expressed and confer with the employee, but they may not answer questions on the employee's behalf or address the hearing if the employee does not wish it, or prevent the employer from explaining their case.

**J. Confidentiality.** As far as possible, the grievance will be kept confidential between the line manager, the Staffing Committee, the investigator, the employee, their companion if there is one, and the person about whom the grievance is made where the grievance relates to another person. Similarly, any business conducted at an appeal and its outcome will also remain confidential.

**K. Record keeping.** All written records relating to the nature of the grievance, the employer's response, action taken including justification for that action, details of any appeal and subsequent developments must be retained in keeping with the general data protection regulation and council policy.

**L. Grievance raised during disciplinary action.** If an employee raises a grievance during disciplinary action, the disciplinary will be put on hold whilst the grievance is investigated, and a resolution agreed.

**M. Training.** Council members are expected to attend training on staff matters including involvement in grievance, disciplinary and dispute management. Grievance

Policy adopted date.....

Review date .....

Signed.....

Chairman