

## POLICY & PROCEDURE: GRIEVANCE

**PURPOSE:** This Policy and Procedure describes the steps to be taken if an Employee of Melbourn Parish Council suffers or perceives they have suffered treatment or conditions that violate the legal and/or moral contract between these parties

**SCOPE:** This document only applies to Employees of the Melbourn Parish Council. It does not apply to Service Providers under contract to the Parish Council or anyone else\*. This Policy and Procedure can also be used in conjunction with complaints arising under the **Harassment and Bullying Policy and Procedure** (5.03)

**\*Note:** *Complaints (grievances) arising from the general public will be handled using the Policy and Procedure 'Complaints to Melbourn Parish Council' (1.01)*

### POLICY:

#### 1. Principles:

- 1.1 This document is written with reference to the ACAS Code of Practice 1, published in 2009
- 1.2 Grievances are concerns, problems or complaints that employees raise with Us, the Melbourn Parish Council. It is hoped that most issues can be dealt with by informal discussion between people and their immediate manager. If this proves impossible the formal procedure below sets out clear rules and processes for handling grievance situations fairly and transparently.
- 1.3 Our policy is to encourage and maintain good relationships between and our employees by treating grievances seriously and resolving them as quickly as possible. The Procedure 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 and our **Equality and Diversity Policy** (5.02).
- 1.4 If required, it is accepted that employees have the right to be accompanied or represented during meetings concerning grievances. The details of this process are also set out in the Procedure below.
- 1.5 The employee can appeal decisions taken by the Council concerning a grievance if the outcome is considered unjust or unfair. Grievances that are not upheld will not be considered grounds for disciplinary action against the employee.

- 1.6 It is not uncommon for a grievance to arise during disciplinary proceedings. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 1.7 Reasonable notice will be given to the employee on the timing of meetings and discussions. Employees should also respect such timings and be available to attend as agreed.
- 1.8 Records of the grievance and meetings related to it will be confidential. Outcomes from the grievance process will be communicated to the employee in writing without unreasonable delay.
- 1.9 We 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). This course of action must be agreed between the Council and employee concerned.

## **PROCEDURE**

### **2. Informal Procedure:**

- 2.1 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.
- 2.2 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 another suitable person. If the grievance concerns the Clerk then the Chair or Vice Chair of the Council should be asked to review the problem
- 2.3 If it becomes clear that the grievance cannot be resolved informally the employee should raise the matter formally as described in Section 3 below.

### **3. Formal Procedure:**

#### **3.1 Step 1 – Let the Employer Know the nature of the Grievance**

If it is not possible to resolve the grievance informally you should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance. Normally this would be in writing to the Clerk. If the grievance concerns the Clerk, the Chair or Vice Chair of the Council should be informed. If the grievance concerns the Chair or Vice Chair, the Chair will seek external advice on how the matter should be best handled.

**3.2 Step 2 – Arrange a Meeting with the Employee to discuss the Grievance**

The Council shall arrange for a formal meeting to be held without unreasonable delay after the grievance is received. All parties should make every effort to attend the formal meeting. The Council will agree a date after consulting with you, taking into consideration the need to collect evidence. The Council will be prepared to adjourn a meeting if more evidence or investigation is required. Note: The person should be warned, where and only if deemed appropriate, that an unjustified malicious or vexatious grievance could result in action being taken against the person raising the issue.

**3.3 Step 3 – Choosing the Panel to Hear the Grievance**

A Panel will be formed to formally hear the grievance. This will be comprised of three persons agreed between the Clerk and the Chair or Vice Chair of the Council. The panel will not include an individual involved in the grievance, but would (subject to this proviso) be chaired by either the Chair or Vice Chair of the Council. It will also include at least one member of the HR Panel. If the grievance involves a member of the Council, the Chair will seek external advice on the composition of the Panel hearing the grievance.

**3.4 Step 4 – The Formal Grievance Meeting**

The Panel described in 3.3 above will investigate the matter, as appropriate to the circumstances, prior to the meeting. This may involve collecting documentation or interviewing others who may be involved.

At the meeting we will: -

- Allow you to explain the nature of the grievance.
- Go through the evidence that has been gathered.
- Allow you to set out your case and answer any allegations or questions that have been raised.
- Give you the opportunity to ask questions, present evidence and call relevant witnesses.
- Give you the opportunity to raise points about any information from witnesses.

We will always give advance notice of our intention to call witnesses and expect that you, as an employee, will do the same.

**Being accompanied at the meeting:**

You have a statutory right to be accompanied by a companion at a Grievance Meeting that deals with a complaint about a duty owed by the employer to you as a worker. So this would apply where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation. However, the Council will normally always allow a companion to support your grievance, provided they are not directly involved with the matter concerned. This could be a fellow worker or, if you choose, a Trade Union representative. You must let the Panel know in advance if you wish to be accompanied at the meeting.

**3.5 Step 5 – Reporting the Outcome**

Following the meeting, the Council will decide on what action, if any, to take. The decision will be notified to the employee in writing, usually within 5 working days. Where appropriate, We will set out what action we intend to take to resolve the grievance. The report will be made in confidence. If you as the employee feel the matter has not been fully resolved you can appeal the decision and request the matter be reviewed again.

**3.6 Step 6 – Appealing a Grievance Decision**

Where an employee feels that a grievance has not been resolved, they can appeal against the decision. Appeals will be heard without unreasonable delay at an agreed time and place.

To make an Appeal you should make sure that suitable grounds or reasons exist for the matter to be heard again. The grounds for the Appeal should be given in writing within 4 weeks of the original decision.

The reviewing Panel will again be made up of three persons, not including any of those involved in the previous investigation. The Appeal should not utilise members of the HR Panel. This may also involve requesting external support from appropriate bodies and Chair of the Council should consider this whenever an appeal is triggered.

As described in 3.4 above you again have the right to be accompanied. The reviewing Panel will re-hear previous evidence and listen to new evidence, also following a similar format as described above.

The employee will be informed in writing of the results of the Appeal hearing as soon as possible. This decision will be in confidence and will be final.

Document Approval:



(Chair to Melbourn Parish Council)

Date of Parish Council Meeting: 9 January 2017

*Review Policy: 1 year from last review*