

COLWICH PARISH COUNCIL



PD125 GRIEVANCE POLICY

©This document is the property of Colwich Parish Council
Parish Centre, St. Mary's Road, Little Haywood, Staffordshire, ST18 0TX
Telephone: 01889-882665.
It must not be copied, or the contents otherwise used, without the consent of the owner.

GRIEVANCE POLICY

Grievance Policy – PD125

Revision history

This document was originally written by:

Name	Position	Date
Michael Lennon	Clerk	March 2017

This document version was reviewed by:

Employment Committee	January 2025
----------------------	--------------

This document version was approved by:

Full Council	February 2025
Chairman of Council	W Plant

Document Review Schedule:

Next Mandatory Review by:	February 2026
---------------------------	---------------

Revision History

Version	Issue Date	Document ID	Reason for Change	Section(s) Changed
2	09/2018	PD118-02	Initial Issue	NA
3	10/2021	PD118-03	New chairman Annual review	None
4	10/2022	PD118-04	Annual review	None
5	12/2023	PD118-05	Annual review	None
6	02/2025	PD125-06	Annual review New number	All

GRIEVANCE POLICY

Contents

1	Purpose and Scope	4
2	Principles	4
3	Procedure	4
4	Bullying and Harassment	6
5	The Right to be Accompanied	6
6	Hearing Panels	6
7	Confidentiality	6
8	Record Keeping	7
9	Grievances raised during Disciplinarys	7
10	Getting it Wrong	7

GRIEVANCE POLICY

1. PURPOSE AND SCOPE

- 1.1** It is the policy of Colwich Parish Council (the Council) to give officials the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints officials wish to raise with the Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual official's employment grievance. This procedure is produced in line with the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice 2009 as set out in the Employment Act 2008.

2. PRINCIPLES

- 2.1** At every stage in the procedure the official will be given the opportunity to state his or her case before any decision is made.
- 2.2** Grievances will be dealt with promptly and consistently.
- 2.3** At all formal stages the official will have the right to be accompanied by another official or trade union representative during the Grievance Hearing.
- 2.4** The official will have the right to appeal against any outcome of a Grievance Hearing.
- 2.5** At no time will the official be penalised or victimised for having raised a Grievance against the Council.

3. PROCEDURE

- 3.1** Wherever possible, any grievance should be raised informally with the official's line manager, or if this is inappropriate with the next level of management. In the case of the Chief Officer to the Council raising a grievance this will be directed to the Chairman of the Council unless the complaint is about the Chairman in which case the Vice Chairman of the Council will handle the Chief Officer's concerns. The recipient of the grievance from the official will share the grievance with the Employment Committee and the issues will be always be treated with discretion and confidentiality.

Written Statement

- 3.2** If the official does not consider it appropriate to raise the grievance informally, or if requested by the person the official spoke to informally, then the official must submit a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management. A complaint against the Chief Officer should be directed to the Chairman of the Employment Committee.

Meeting or Hearing

- 3.3** Within five working days of receipt of a written complaint, the line manager or Chairman of the Employment Committee will arrange a meeting with the official. This person, the Hearing Manager, will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

GRIEVANCE POLICY

The line manager will investigate the substance of the complaint and hear submissions from the official concerned together with such other submissions or evidence as he or she shall consider appropriate and take such steps as he or she shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The official may call witnesses by prior arrangement with the panel. There is no right for a Councillor or official implicated in a grievance to cross-examine the aggrieved during a grievance hearing, but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Panel may ask the official what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

Response

- 3.4** The Hearing Manager will advise the decision to the official in writing and, where appropriate, include an action plan to assist in the resolution of the problem.

Note: Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience. There may be some value in exploring Mediation as a way in which to resolve differences between two parties. The SLCC (Society of Local Council Clerks) can advise on approaches and bodies which may be able to assist (external organisations may levy a fee for such services)

Appeal

- 3.5** If the official is dissatisfied with the decision of the line manager on his or her complaint, he or she may appeal against the decision to the Chairman of the Employment Committee, or the Vice Chairman if the grievance is about the Chairman of the Employment Committee, by written notice within five working days of the decision. An Appeal may be raised if:

3.5.1 The official thinks the finding, or action plan, is unfair.

3.5.2 New evidence has come to light.

3.5.3 The official thinks that the procedure was not applied properly

- 3.6** On receipt of the appeal the Appeals Panel will meet and consult with the official, the line manager or Councillors concerned and any other persons, as he or she shall consider appropriate without unreasonable delay.
- 3.7** A grievance against a member of the Employment Committee will exclude that Councillor from sitting on the Hearing Panel.
- 3.8** The Appeal Hearing Chairman shall consider the issues and shall then take all such steps, as he or she may consider necessary to resolve those issues. Where the Council's Vice Chairman has chaired the initial grievance meeting the Chairman of the Council will hear the appeal as the Hearing Manager; the decision of the Appeal Hearing will be final. The Council will need to ensure that the Councillors involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal will be conveyed to the official in writing in a timely manner.

GRIEVANCE POLICY

- 3.9** A grievance against the Chairman of the Council will exclude that Councillor from sitting on the Appeal Hearing Panel. The Appeal Hearing Panel will then be chaired by the Vice Chairman of the Complaints Committee.

4 BULLYING OR HARASSMENT

- 4.1** If a grievance concerns alleged bullying or harassment the matter will be reported promptly to the official's line manager, or Chief Officer or Councillor if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available, the official will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being elected Councillors a Code of Conduct complaint lodged by the Council through the Standards process.
- 4.2** Refer to the Dignity at Work (PD019) and Bullying & Harassment (PD123) policies for further details

5 THE RIGHT TO BE ACCOMPANIED

- 5.1** At any formal stage of the procedure the official may be accompanied by a fellow official of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the official must make a reasonable request. The companion will be allowed to address the hearing, respond to views expressed at the hearing and to confer with the official during the hearing (sometimes in an adjournment) but are not allowed to answer questions on the official's behalf, address the hearing if the official does not wish it or prevent the official from explaining their case.

6 HEARING PANELS

- 6.1** The Council will establish a hearing panel on an annual basis to hear disciplinary and grievance hearings. In situations where individual Councillors are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

7 CONFIDENTIALITY

- 7.1** So far as is practicable, the Council will keep any grievance or complaint of harassment confidential between the manager or Councillor investigating the grievance or complaint, the official and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other official or person, the official will be so advised.

GRIEVANCE POLICY

8 RECORD KEEPING

- 8.1** In all cases, written records of the nature of the grievance raised, the Council's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the General Data Protection Regulations 2018.

9 GRIEVANCES RAISED DURING DISCIPLINARIES

- 9.1** When a disciplinary process has commenced an official chooses to exercise his or her right to raise an internal grievance about the employment relationship with the Council or individual Councillors the disciplinary matters will be placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently, but specialist advice will be sought if this arises.

10 GETTING IT WRONG

- 10.1** Following the repeal of the 2004 Dispute Resolution regulations officials no longer MUST raise a grievance before going to an employment tribunal. However, establishing a mechanism for differences and disputes to be resolved internally can often allow the employment relationship to continue.
- 10.2** Failure to follow the ACAS Code of Practice (available at www.acas.org.uk) when dealing with grievances can lead to an Employment Tribunal awarding an uplift of an award against the Council of up to 25%.

SIGNED	
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	