

# COLWICH PARISH COUNCIL



## PD125 GRIEVANCE POLICY

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Parish Centre, St. Mary's Road, Little Haywood, Staffordshire, ST18 0TX  
Telephone: 01889-882665.  
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## GRIEVANCE POLICY

# Grievance Policy – PD125

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**This document was originally written by:**

<b>Name</b>	<b>Position</b>	<b>Date</b>
Michael Lennon	Clerk	March 2017

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Employment Committee

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### Revision History

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# 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 their 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 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 will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. Following the initial investigation by the Hearing Panel, consisting of members of the Complaints

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Committee, may be called to consider the substance of the complaint and hear submissions from the official concerned together with such other submissions or evidence as they shall consider appropriate and take such steps as they shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for further investigations 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 they 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 Panel Chairman 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, or the Hearing Panel, on their complaint, they may appeal against the decision to the Chairman of the Council, or the Vice Chairman if the grievance is about the Chairman, 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 an Appeals Panel, consisting of Councillors not involved in the complaint or the initial Hearing Panel, will meet and consult with the official, the line manager or Councillors concerned and any other persons, as they shall consider appropriate without unreasonable delay.
- 3.7** A grievance against any Councillor will exclude that Councillor from sitting on the Hearing or the Appeal Panel.
- 3.8** The Appeal Panel shall consider the issues and shall then take all such steps, as they may consider necessary to resolve those issues. Where the Council's Vice Chairman has chaired the Hearing Panel the Chairman of the Council will chair the Appeal Panel as the Hearing Manager; the decision of the Appeal Panel will be final. Councillors involved in the Hearing Panel and Appeal Panel are expected 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.

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- 3.9** A grievance against the Chairman of the Council will exclude them from sitting on the Appeal Panel. The Appeal Panel will then be chaired by the Vice Chairman of the Complaints Committee, who, in this instance, should not take part in the initial Hearing Panel.

### **4 BULLYING OR HARASSMENT**

- 4.1** If a grievance concerns alleged bullying or harassment the matter should 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. 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, as amended. 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 Complaints Committee, chaired by the Vice Chairman of the Council, 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.

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### 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 and an official chooses to exercise their 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](http://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%.

<b>SIGNED</b>	<i>Wendy Plant</i>
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	