

Grievance Policy and Procedure

1. Context

- 1.1 The Council should have in place a number of procedures to develop working relationships between employees and the Council. Central to this relationship are the regular meetings to discuss and resolve work related issues. Other mechanisms, such as the annual appraisal, exist to help ensure that problems are raised openly and resolved to mutual satisfaction.
- 1.2 Wherever possible, grievances should in the first instance be resolved by discussion with the member of staff concerned. The resolution of grievances at this stage may recognise that the best recourse may be to make use of more effective management, mediation or counselling skills. Notwithstanding, the desired intention to resolve any issues informally, the Council recognises, however, that, from time to time, difficulties may arise in working relationships between employees that may be difficult to resolve without recourse to a third party.
- 1.3 The purpose of this document is to set down a mechanism to enable the Council and its employees to resolve issues of concern or grievance.
- 1.4 Whilst the procedure sets out the formal process and timescales, it is expected that at all stages of the process the person or committee investigating the grievance will want to meet all parties to the grievance and to discuss with them the issues involved within seven days.
- 1.5 The procedure is open to all employees and on matters relating to all issues, except appeals against disciplinary action.
- 1.6 Guidance on the format of a hearing is given in Appendix 1.

2. First Stage

- 2.1 Where the grievance is held by a member of staff, the first stage is for the matter to be raised in writing to the Clerk. If the matter requires some further investigation the Clerk must advise the employee and give an undertaking to complete investigations within seven days.
- 2.2 Where the grievance is about or from the Clerk, the procedure should commence at stage 2.
- 2.3 The Clerk should consider the grievance and set out in writing the reasons for any decision.
- 2.4 If the employee is unhappy about the outcome or, if the matter is not resolved within a reasonable time or if there are further investigations to be carried out, the employee has the right to move to the second stage.

3. Second Stage - The Personnel Committee

3.1 Where the matter cannot be resolved by the Clerk or the grievance is about or from the Clerk, the matter should be dealt with by an appointed committee – the Personnel Committee. The second stage is a complaint to the committee in writing setting out the reasons for the complaint. The committee must set out in writing the reasons for any decision. If the matter requires some further investigation the Personnel Committee must advise the employee and give an undertaking to complete investigations within seven days.

3.2 The mechanism for the hearing is contained in Appendix 1.

4. Third Stage – Appeal to the Council

4.1 The Council may hear an appeal if:

- the length of time that the Personnel Committee has taken to arrive at a decision is unreasonable
- there has been a failure to consider new evidence or evidence of witnesses
- there has been a fundamental flaw in the procedure
- the decision cannot be regarded as fair and reasonable in the light of the evidence available
- there was not a proper investigation of the facts

4.2 The Council, minus those members of the Personnel Committee, will be provided with all the papers concerning the complaint and will notify the employee of whether the appeal will be heard, the likely timescale for considering the appeal and will make a decision about the complaint within a reasonable timescale. The outcome of an appeal to the Council shall be final.

5. Putting The Case

5.1 An employee should provide as much information as possible at the initial stage of a grievance, and set out clearly the details of the events, times, other persons involved and the reasons for the complaint. A failure to provide full information at the outset is likely to lead to the need for further investigations and a less speedy resolution to a grievance which is not in anyone's best interests.

6. Right to be accompanied

The employee has a statutory right to be accompanied to grievance hearings and appeals by a companion. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. The Council will consider other reasonable and appropriate persons as a companion, such as a partner or spouse, if the employee is the sole employee; where it would be inappropriate for another employee to act in the capacity or where the employee is not a member of a trade union.

6.1 At all meetings a written record will be made and a copy sent to the employee.

7. Advice and Guidance

7.1 Employees seeking advice and guidance on the scope and use of the Grievance Procedure should contact the Clerk.

8. Other Grievances

8.1 This procedure should not be used by employees whose grievance is related to an issue that falls within the remit one of the regulatory bodies.

9 Review

9.1 This procedure will be reviewed annually to ensure that it continues to meet organisational objectives, reflects statutory requirements, best practice and our quality standards.

Appendix 1

The Hearing Process

1.1 Conduct of the Meeting. The meeting shall be opened by the Chair of the Personnel Committee who will:

- Explain that the hearing is being convened under the Council's procedure
- Outline the reasons for the hearing (i.e. the concerns that have been made)
- Introduce all parties concerned
- Explain the process to be followed

1.2 The person raising the grievance will introduce their case referring to any documentary evidence or witness statements as relevant and accepted by the Personnel Committee

1.3 At the completion of the presentation, members of the Personnel Committee may ask questions.

1.4 The person raising the grievance may then call their witnesses (if appropriate). Those witnesses will be invited by the Chairman to give their evidence.

1.5 The person raising the grievance, or their companion, may ask questions of the witnesses in order to fully explore the evidence they have given.

1.6 Members of the Personnel Committee may ask questions.

1.7 Witnesses will be asked to withdraw.

- 1.8 The employee's companion may wish to present information to assist the committee.
- 1.9 Members of the Personnel Committee may ask questions.
- 1.10 The Chairman will ask members of the Personnel Committee if they have any final questions of the complainant or if there are any points of clarification needed regarding witness evidence.
- 1.11 The Chairman will invite the person raising the grievance and/or his/her companion to make any final points.
- 1.12 The employee (and their companion) will be asked to leave the room so that a decision may be reached.
- 1.13 The decision will be made as quickly as possible and notified to the person raising the grievance along with the reasons for the conclusions that have been drawn. The employee will be advised of her/his right to appeal and that the decision will be confirmed in writing. The Personnel Committee will strive to give a decision immediately following the Hearing but that may not always be possible. In any case, written confirmation will be issued within twenty-four hours.

Reviewed 2016