

Heighington Parish Council

GRIEVANCE POLICY

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1. Introduction

- 1.1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acasguide/pdf/DG_Guide_Feb_2019.pdf).
- 1.2. The Council believes that everyone should receive the same treatment and respect. There may be occasions where an employee has problems or concerns. This may be about:
 - An employee's work.
 - Working conditions.
 - Relationships with colleagues.

Employees may wish to talk to the Council to find a resolution. This policy provides a framework to do this.
- 1.3. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It 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.

2. Informal Resolution

- 2.1. Many problems can be raised and settled during everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
- 2.2. Employees should try to resolve any difficulties and seek resolution at the earliest opportunity without having to use a formal process. Employees are encouraged to speak up and be open about:
 - What is happening.
 - How it is impacting them.
 - How things can be improved.
- 2.3. The following options may help an employee to resolve the difficulties:
 - Keeping a record of what happened.
 - Raising concerns directly with the colleague or councillor that the concerns relate to.
 - Taking time to sit down together to discuss and reflect on what has happened and how to resolve the issues.
 - Asking a manager to raise the concerns with the person with them.
 - A facilitated discussion so that a third party can help the employee to raise their concerns.

- 2.4. Not all attempts to resolve issues will be successful. In this case, employees may make a formal request for resolution. This step in the policy constitutes a formal grievance. A formal request for resolution should cover:
- Any steps the employee has taken to informally resolve the concerns where this has been possible.
 - The relevant facts.
 - Names of the individuals involved.
 - The resolution the employee hopes to achieve.
- 2.5. **Complaints against a Councillor** may be dealt with using Informal Resolution in the first instance but should **not** be progressed to the formal grievance procedure. If the complaint about the councillor is not resolved at the informal stage, the employee can request that the Parish Clerk or Chair of the Parish Council contact the Monitoring Officer of North Kesteven District Council who will inform the employee whether the complaint can be dealt with under the code of conduct.

3. **Formal Grievance Resolution**

- 3.1. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Employment Committee.
- 3.2. The Employment Committee will acknowledge receipt of the employee's grievance within 10 days of receiving it and also notify the subject of the grievance of the concerns raised against them.

4. **Investigation**

- 4.1. The Employment Committee may appoint a member or impartial external individual (where appropriate) to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
- 4.2. The Investigator will meet with the complainant, gather facts and information and interview any witnesses and the individual that the concerns relate to (where applicable).
- 4.3. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.
- 4.4. All those involved must have the opportunity to respond to the issues.

5. **Grievance Meeting**

- 5.1. The Employment Committee will appoint a sub-committee of three members to form a panel to hear the grievance (resolution meeting). The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the

matter shall be appointed to the sub-committee.

5.2. The panel will arrange a formal resolution meeting to take place as soon as possible, where possible giving a minimum of five working days' written notice. This notice will include:

- The names of its Chairman and other members.
- The date, time and place for the meeting.
- The employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official.
- A copy of the Council's Grievance Policy.
- Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of their witnesses as soon as possible before the meeting.
- Confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
- Findings of the investigation if there has been an investigation.
- An invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

5.3. At the grievance meeting:

- The Chairman will introduce the members of the sub-committee to the employee.
- The employee (or companion) will set out the grievance and present the evidence.
- The Chairman will ask the employee questions about the information presented and will want to understand what action they want the Council to take.
- Any member of the sub-committee and the employee (or the companion) may question any witness.
- The employee (or companion) will have the opportunity to sum up the case.
- A grievance meeting may be adjourned to allow additional matters that were raised during the meeting to be investigated by the sub-committee.

5.4. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

6. Grievance appeal

6.1. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, they may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

6.2. Appeals may be raised on a number of grounds, e.g.:

- A failure by the Council to follow its grievance policy.
- The decision was not supported by the evidence.
- The action proposed by the sub-committee was inadequate/inappropriate.
- New evidence has come to light since the grievance meeting.

- 6.3. The appeal will be heard by a panel of three members of the Employment Committee who have not previously been involved in the case. There may be insufficient members of the Employment Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Employment Committee. The appeal panel will appoint a Chairman from one of its members.
- 6.4. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.
- 6.5. At the appeal meeting, the Chairman will:
- Introduce the panel members to the employee.
 - Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Employment sub-committee.
 - Explain the action that the appeal panel may take.
 - The employee (or companion) will be asked to explain the grounds of appeal.
- 6.6. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- 6.7. The appeal panel may decide to uphold the decision of the Employment Committee or substitute its own decision.
- 6.8. The decision of the appeal panel is final.

7. Principles

- 7.1. Employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for their grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
- 7.2. The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.

- 7.3. Any changes to specified time limits must be agreed by the employee and the Council.
- 7.4. An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
- 7.5. Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- 7.6. Audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- 7.7. If an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- 7.8. If a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.
- 7.9. The Council 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). Mediation is a dispute resolution process which requires the consent of affected parties.
- 7.10. The Council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- 7.11. If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with their line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its Health and Safety Policy or its Dignity at Work Policy) and in accordance with the code of conduct regime.