



Appledore Grievance Policy and Procedure

1. Introduction

1.1 The Parish Council recognises the need for a fair, speedy and consistent process, in accordance with the 2010 Equality Act, for any employee of the Council to raise a grievance in connection with their employment and will seek to resolve any matters arising from such a procedure.

1.2 A grievance is a formal expression of an employee's dissatisfaction with some aspect of their employment with the Council. In order to assist in the maintenance of good staff relations the Council has adopted the following procedures which aim to give clear guidance on the grievance process. The Council will always try to settle a grievance as quickly as possible.

1.3 Examples of grievance include (this list is not exhaustive):

Disagreement about a contract

Treatment by a manager

Failure to allow a normal entitlement (e.g. leave)

Bullying/Harassment

Discrimination

1.4 Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (point 2) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Ashford Borough Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (point 3)

Whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure the employees have a safe environment, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.

2. Informal Stage

2.1 An employee must first raise their grievance verbally or in writing with the Clerk of the Council. If the grievance is brought by the Clerk this must first be raised verbally or in writing with the Chairman of the Council. The person approached will attempt to resolve the matter by informal discussion, including investigation of facts, and respond to the employee as soon as possible, within five working days at a maximum. The response to a written request will be in

writing and a copy kept by the respondent, who will also keep a note of any verbal grievance aired and response given.

2.2 In the event that a grievance is against the Clerk an employee may raise the matter informally with the Chairman who will attempt to resolve the matter and communicate his response in writing to the parties concerned.

2.3 It is expected that most grievances will be resolved at the informal stage and it may be necessary to repeat the procedure to reach a satisfactory conclusion for all concerned.

2.4 Where it becomes evident that the matter cannot be resolved informally, an employee can instigate the formal stage.

2.5 Recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition.

2.6. The Council may consider mediation at any stage of the grievance procedure where appropriate. Mediation is a dispute resolution process which requires the Council's and the employee's consent.

3. Formal Stage

3.1 In the event that the informal procedure has not resolved the issue, and the employee wishes to pursue the formal grievance procedure, they will need to state their grievance in a letter to the Chairman. In addition to stating the grievance, the letter should indicate why any informal discussions have not been satisfactory, and, ideally, indicate what remedy is being sought since this will help the Council address the issue. Where the interpersonal relations between a member of staff and the Clerk give rise to the grievance then the matter should be referred immediately by the Chairman for consultation with two other members of the Council. No councillor with direct involvement in the matter shall be appointed.

3.2 If the grievance is made by the Clerk the letter should be referred by the Chairman to three members of the Council.

3.3 The appointed councillors shall investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public).

3.3 Where it is appropriate to respond in writing, this should be done within 10 working days.

3.4 If it is not possible to deal with the matter in writing or the employee is dissatisfied with the reply, a formal meeting should be arranged. At this meeting the employee has the right to be accompanied by a representative of the trade union to which they belong (who may or may not be a work colleague), or by a work colleague, friend or adviser not acting in a legal capacity. The employee should advise the Council who their representative is to be. Whilst the representative can speak at the meeting and ask questions, he or she cannot answer questions for the employee. The meeting will be conducted in accordance with the hearing procedure outlined in section 4. The employee may call for witnesses to attend on the employee's behalf and their names must be advised to the council at least 5 working days prior to the meeting. The employee must supply any supporting evidence to the council at least 5 working days prior to the meeting. These details along with the names of the chairman and other councillors

attending and a copy of the council's grievance policy should be advised to the employee by letter.

3.5 There are likely to be 3 possible outcomes:

The grievance will be fully upheld;

The grievance will be partially upheld;

The grievance will not be upheld and there will be no further action.

Should the grievance be upheld/partially upheld then a remedy will be considered and put forward as part of the outcome. Whatever is finally agreed between the Council and the employee should be recorded in writing.

3.6 The employee can appeal against the outcome of a grievance meeting. To do so they should write to the Chairman within 10 working days of the written statement stating their grounds for appeal.

3.7 The Chairman will then arrange an appeal meeting within 20 working days of receiving the appeal with three Council Members who have not previously been involved directly in the Grievance Process; the aggrieved employee and the aggrieved employee's representative (if the employee so wishes).

3.8 The decision of the Council will be confirmed in writing to the employee within 5 working days. This appeal is the final level of consideration within the Council.

3.9 The time limits referred to in this grievance procedure may, by mutual agreement, be modified by all parties involved at that particular stage. The employer shall provide an individual to take notes of all meetings or hearings attended by parties involved in the Procedure.

3.10 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.

4. Hearing procedure

4.1 All hearings will be held in private.

4.2 The Council shall appoint at least three council members to hear unresolved grievances.

4.3 The aggrieved employee and their representative (if any) should be given notice at least 15 working days in advance of the time and place of the hearing. They should present their case in writing or have it put by their representative, or present it jointly with their representative. They have the right to call witnesses and produce documents relevant to the case. It will be the Council's responsibility to organise the attendance of witnesses. In order to make suitable arrangements, the parties appearing at the hearing should inform the Chairman of the names and contact details of witnesses intended to be called. Witnesses will remain in attendance at the hearing only if expressly required to do so by the Council. The Council may resolve to extend or adjourn the hearing.

4.4 The Council may also call witnesses.

4.5 The Council will have the opportunity to ask questions of the aggrieved employee and any witnesses whom they may have called.

4.6 The Council will put their case and call witnesses in the presence of the aggrieved employee and their representative.

4.7 The aggrieved employee (or their representative) will have the opportunity to ask questions of the Council and any witnesses they may call.

4.8 Council Members will have the opportunity to ask questions in general.

4.9 The aggrieved employee (or their representative) and then the Council will have the opportunity to sum up their case if they so wish.

4.10 The aggrieved employee and their representative and any witnesses will then withdraw.

4.11 The Council will deliberate in private (with the Clerk – if appropriate - and/or any other advisers), recalling the aggrieved employee only to clear up points of uncertainty on evidence given already.

4.12 The Council will announce its decision to the aggrieved employee orally at the end of the hearing, or adjournment thereof, and will confirm the decision in writing within 5 working days.

4.13 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 Data Protection Act 1998.

4.14 If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.

5. Appeal Process

5.1 If an employee decides that his/her grievance has not been satisfactorily resolved through the formal process, then the employee may appeal to the full council. An appeal must be received by the council within 5 working days of the formal process's decision letter receipt. The request for an appeal must specify the grounds for appeal.

5.2 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 was inadequate

New evidence has come to light since the decision

5.3 The appeal will be heard by a panel of three council members not previously involved but there may be insufficient councillors to achieve this. A chair shall be selected from them.

5.4 The employee shall be notified, in writing, within 10 working days of the date and time of the appeal meeting, which must take place within 25 days of receipt of the appeal request. The employee shall be advised that he/she may be accompanied by a work place colleague, a trade union representative or trade union official.

5.5 At the appeal meeting the chair shall introduce all there and explain the purpose of the meeting and explain the action the appeal panel may take i.e. to up hold the previous decision or substitute its own decision).

5.6 The employee will be asked to explain the grounds for the appeal.

5.7 The chair will inform the employee that he/she will receive the decision, in writing, within 5 working days of the appeal meeting.

5.8 The decision of the appeal panel is final.