



Sprotbrough and Cusworth Parish Council

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POLICY TITLE

Grievance Policy

ADOPTION DATE

20th February 2020

POLICY AIM

The policy aims to encourage and maintain good relationships between the Parish 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

POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes into account of the ACAS guide on discipline and grievance at work (February 2019). 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. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - 3.1 Employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her 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.
 - 3.2 The Council will give employees at least 7 working days' notice of any meetings in this procedure. Employees must make all reasonable efforts to attend.

- 3.3 If the employee's 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.
- 3.4 Any changes to specified time limits must be agreed by the employee and the Council.
- 3.5 An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
- 3.6 Information about an employee's grievance will be restricted to those involved in the grievance process.
- 3.7 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 Regulations (GDPR).
- 3.8 Audio 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.
- 3.9. An employee may raise a grievance after disciplinary proceedings have commenced against him/her. The Performance Review and Staffing Committee should consider the nature of the grievance and examine whether the complaint is in relation to the disciplinary process. If the grievance is about a separate issue the Committee should consider suspending the disciplinary case for a short period to consider the grievance.
- 3.10 If the grievance has been raised before the appeal stage of the disciplinary procedure and the matters of the grievance are linked to those of the disciplinary, then the grievance should be considered within the disciplinary procedure and matters should be dealt with concurrently.
- 3.11 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 (paragraph 4) 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 Clerk of the 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 (see paragraph 5).
- 3.12 If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the Council's grievance procedure. However, whatever the complaint, 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.
- 3.13 If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise

these safety concerns with the Clerk at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this manner 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.

- 3.14 If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.
- 3.15 At any stage of the grievance procedure where appropriate, the Council may consider mediation, a dispute resolution process that will require the Council and the employee to consent.
- 3.16 All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The Council will not consider any frivolous or vexatious grievances or any repeat matters which have already been responded to. Evidence of malicious grievance may result in formal disciplinary action being taken against the employee(s) concerned.
- 3.17 If the Council receives a letter of resignation from an employee that raises what appears to be a grievance, they should write to the employee and ask them whether they would like a response to their grievance. Any issue raised at this time may constitute a grievance.

Informal grievance procedure

4. The Council and its employee's benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her line manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairperson of the Council. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employees and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the Chairperson of the Council & copied to the Chair of the Performance Review and Staffing Committee.
6. The matter will be considered by the Performance Review and Staffing Committee. No Councillor with direct involvement in the matter shall sit as a member of this committee or interview the complainant.

Investigation

7. The Chair of the Performance Review and Staffing Committee or the Chair of Council or their Vice Chair's as appropriate (see 6) may investigate matters raised in the grievance prior to the Committee meeting. This may include interviewing others e.g. employees, Councillor's or members of the public.

Notification

8. Within 10 working days of the Parish Council receiving the employee's grievance, the employee will be asked, in writing, to attend a meeting of the Performance Review and Staffing Committee. The letter will include the following:
 - 8.2 the names of its Chairperson and other members;
 - 8.3 a summary of the employee's grievance based on his/her written submission;
 - 8.4 the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Council receiving the grievance;
 - 8.5 the employee's right to be accompanied by a workplace colleague, or a trade union official;
 - 8.6 a copy of the Council's grievance policy;
 - 8.7 confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting; and
 - 8.8 confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

The grievance meeting

9. At the grievance meeting:
 - 9.1 the Chairperson will introduce the members of the sub-committee to the employee;
 - 9.2 the employee (or companion) will set out the grievance and present the evidence;
 - 9.3 the Chairperson will ask the employee what action does he/she wants the Council to take;
 - 9.4 any member of the committee and the employee (or the companion) may question any witness; and
 - 9.5 the employee (or companion) will have the opportunity to sum up the case.
10. The Chairperson will provide the employee with the committee's recommendation, in writing, within five working days of the meeting. The letter will notify the employee of the recommended action, if any, that will be made to the Council, it will also confirm the employee's right to appeal.
11. A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated further.
12. The draft minutes of the Performance Review and Staffing Committee shall be sent to all Council Members along with details of the complaint and its outcome, in readiness for the next full meeting of the Parish Council.

The appeal

13. If an employee decides that his/her grievance has not been satisfactorily resolved by the Performance Review and Staffing Committee (Council) he/she may submit a written appeal. An appeal must be received by the Council within five working days of the employee receiving a decision and just specify the grounds of appeal.
14. Appeals may be raised on a number of grounds, for example:

- 14.1 a failure by the Council to follow its grievance policy.
- 14.2 the decision was not supported by the evidence.
- 14.3 the action proposed by the committee was inadequate/inappropriate.
- 14.4 new evidence has come to light since the grievance meeting.
- 15. The Appeal will be heard by a panel of three members of the Performance Review and Staffing Committee who have not previously been involved in the case. If there are insufficient members of the committee who have not previously been involved then three Members of the Parish Council will constitute the appeal panel. The appeal panel will appoint a Chairperson from one of its members.
- 16. The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 20 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, or a trade union official.
- 17. At the appeal meeting, the Chairperson will:
 - 17.1 introduce the panel members to the employee.
 - 17.2 explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Performance Review and Staffing Committee.
 - 17.3 explain the action that the appeal panel may take.
- 18. The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
- 19. The Chairperson 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.
- 20. The appeal panel may decide to uphold the decision of the Performance Review and Staffing Committee or substitute its own decision.
- 21. The decision of the appeal panel is final.

IMPLEMENTATION

All Councillors and Staff have responsibility to ensure this policy is implemented and followed.

Failure to do so may result in Disciplinary Action being taken against staff or Councillors being reported to Doncaster Council Monitoring Officer under the Code of Conduct.

MONITORING

The policy will be monitored in the following ways:

Monitoring Activity	Person Responsible
Any breach of the policy to be reported to the Clerk/ Deputy Clerk	Anyone
Reports will be investigated and remedial action taken if required	Clerk/ Deputy Clerk

POLICY CONSULTATION

A copy of the policy has been given to all staff.

POLICY REVISION DATE

Policy reviewed August 2024
Next review date August 2025

This document shall be reviewed annually; or upon any changes to legislation; or subject to the requirements of Sprotbrough and Cusworth Parish Council.

RELATED POLICIES AND STRATEGIES

Staff Appraisal and training Policy
Councillor Code of Conduct
Disciplinary Policy