**CAWOOD PARISH COUNCIL’S GRIEVANCE POLICY**

**INTRODUCTION**

This policy is based on and complies with the 2015 ACAS Code of Practice on disciplinary and grievance procedures.

It also takes account of the ACAS guide on Discipline and Grievances at work. (<http://www.acas.org.uk/media/pdf/b/l/Discipline-and-grievances-Acas-guide.pdf>.).

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.

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.

This policy confirms:

* Employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official.
* The companion will be permitted to address the grievance/appeal meeting, 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.
* The Council will give employees reasonable notice of the date of the grievance/appeal meeting. Employees and their companions must make all reasonable efforts to attend. 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.
* Any changes to specified time limits must be agreed by the employee and the Council.
* An employee has the right of appeal against the decision about his/her grievance. The appeal decision is final.
* 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 2018 and other legislative provisions.

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.

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.

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

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 Council’s and the employee’s consent.

**INFORMAL GRIEVANCE PROCEDURE**

The Council and its employees 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 Line Manager (for example, because it concerns the Line Manager), the employee should raise it with the Chairman of the staffing committee.

**FORMAL GRIEVANCE PROCEDURE**

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 Chairman of the staffing committee.

The staffing committee will appoint a sub-committee of three members to investigate the grievance comprising of members of the Council. 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.

**Investigation**

The sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public), obtaining relevant documentation and writing a report if necessary.

**Notification**

Within 10 working days of the Line Manager / Chair of the staffing committee receiving the employee’s grievance, the employee will be asked, in writing, to attend a grievance meeting. The sub-committee’s letter will include the following:

* The name of its Chairman and other members.
* A summary of the employee’s grievance based on his/her written submission.
* The date, time and place of the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Line Manager / Chair of the staffing committee received the grievance and consider any reasonable adjustments.
* 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 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.
* Confirmation that, if necessary, witnesses may attend on the Council’s behalf and the names of the Council’s witnesses will be advised to the employee at least five working days before the meeting.
* Advise the employee of the need to provide the Council with any supporting evidence at least five working days before the meeting.
* Provide the employee with any supporting evidence on the Council’s behalf at least five working days before the meeting.
* Confirm notes will be taken and by whom.

**The grievance meeting**

At the grievance meeting:

The Chairman will introduce all attendees and explain the purpose of the meeting and confirm the Council’s grievance policy will be used.

Confirm notes will be taken and by whom

The employee (or companion) will set out the grievance and present the evidence.

The Chairman will ask the employee what action he/she wants the Council to take to resolve their grievance.

Call any witness, if applicable.

Any member of the sub-committee may ask the employee / companion / witnesses questions.

The Council will have the opportunity to explain how they tried to resolve the grievance at the informal stage (if applicable), refer to any evidence gathered in the course of the investigation (if applicable) and call any witnesses (if applicable)

The employee / companion may ask questions.

The employee (or companion) will have the opportunity to sum up the case.

The Council will have the opportunity to sum up the case (if applicable).

A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

The Chairman will provide the employee with the sub-committee’s decision, in writing, 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 of appeal.

The Chairman will confirm all documentation relating to the grievance will be retained on the employee’s personnel file.

**The appeal**

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

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.

The Appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. The appeal panel will be a committee of three Council members who may include members of the sub-committee. The appeal panel will appoint a Chairman from one of its members.

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 25 working days of the staffing committee’s receipt of the appeal and consider any reasonable adjustments. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official and that notes will be taken and by whom.

**The appeal meeting**

At the appeal meeting, the Chairman will:

Introduce all attendees and explain the purpose of the meeting which is to hear the employee’s reasons for appealing against the decision of the staffing sub-committee and confirm the Council’s grievance policy will be used.

Confirm notes will be taken and by whom

Explain the action that the appeal panel may take.

The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.

The employee (or his/her companion) can call any witnesses and present evidence (if applicable).

Any member of the appeal panel may ask the employee / companion / witnesses questions.

The Chairman of the grievance sub committee will explain how the grievance meeting decision was reached, refer to any evidence (if applicable) and call any witnesses (if applicable).

Any member of the appeal panel may ask the Chairman of the grievance sub committee / their witnesses questions.

The employee (or companion) will have the opportunity to sum up the case.

The Chairman of the grievance sub committee will have the opportunity to sum up the case.

An appeal meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the appeal panel.

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.

The appeal panel may decide to uphold the decision of the sub committee or substitute its own decision.

The Chairman will confirm all documentation relating to the appeal meeting will be retained on the employee’s personnel file.

**The decision of the appeal panel is final.**

Last updated August 2019

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