

Agreed at the Parish Council Meeting of 6 September 2021

LECONFIELD PARISH COUNCIL

GRIEVANCE POLICY/PROCEDURE

1. INTRODUCTION

1.1 Any employee may at some time have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with the Parish Council.

1.2 Grievances are best dealt with at an early stage, informally between the employee and the Chair of the Council, if that is appropriate. If the grievance is about the Chair of the Council the employee should raise their concern with the Vice Chair of the Council. However, organisations are required to have formal procedures in place to handle cases left unresolved. Having formal grievance procedures in place allows employers to give reasonable consideration to any issues which can't be resolved informally and to deal with them fairly and consistently. Pursuing the formal route should be a last resort rather than the first option.

2. SCOPE

2.1 It is the duty of each Parish Councillor to acquaint him/herself with the procedure, and to ensure that each member of staff is aware of the steps taken in raising a grievance.

2.2 This policy applies to all employees of Leconfield Parish Council.

3. POLICY PURPOSE AND AIMS

3.1 It is the Leconfield Parish Council's policy that all employees have access to a publicised and well defined grievance procedure. This procedure covers individual grievances concerning terms and conditions of employment.

3.2 Staff are advised to raise issues informally with the Chair of the Council, however where this does not resolve the matter or where it is inappropriate, staff are encouraged to use the grievance procedure to deal with issues promptly.

3.3 In some instances where a dispute occurs between employees it may be of use to consider a mediation service which aims to find mutually agreeable outcomes where conflict has occurred. It is important to note that the mediation service is informal, 'non-binding' and does not impact on the individual's right to instigate formal procedures if the mediation is unsuccessful.

3.4 It is recognised that the policy and procedure itself cannot guarantee the resolution of any particular grievance as resolution depends on all concerned

adopting a reasonable attitude to the matter, and taking positive action to resolve the problem. The fundamental principle is that staff grievances should be dealt with fairly, quickly and as close as possible to the time of the event.

3.5 Staff using the grievance procedure will be treated in a fair and equitable manner and care will be taken to ensure that confidentiality is maintained.

4. GENERAL DATA PROTECTION REGULATION (GDPR)

The Parish Council is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance.

5. EQUALITY

The Parish Council is committed to eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines.

In applying this policy, the Parish Council will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

6. PROCEDURE

The grievance procedure is a staged process that consists of 2 distinct elements: Initial informal procedure (Stage 1); followed by Formal procedure (Stages 2 and 3)

Stage 2 should not normally be initiated until after the informal procedure (Stage 1) has been followed and no resolution has been found at that stage.

See Appendix 3: Flowchart of Standard Grievance Procedure.

STAGE 1 – INFORMAL PROCEDURE

Before an employee takes up a formal grievance under this procedure they are advised to raise the matter informally with the Chair of the Council, if that is appropriate. If the grievance is about the Chair of the Council the employee should raise their concern with the Vice Chair in an attempt to resolve the issue by informal discussion(s).

If the matter is not resolved through informal discussion(s) the grievance should be put in writing to the Chair of the Council (or Vice Chair if appropriate) so that a panel to hear the grievance can be set up. This would then be Stage 2, the formal procedure. Employees should use the form at Appendix 1, Notification of Grievance. However, any form of written

communication indicating a grievance or concern(s) from an employee may be considered a formal grievance.

The Leconfield Parish Council may, where necessary, investigate a grievance raised informally even when the complainant does not want to place the grievance in writing. It is recognised that this may restrict the ability to properly investigate the complaint. The Leconfield Parish Council will do this to protect the health and safety of the staff and to fulfil its obligations as an employer.

STAGE 2 – FORMAL PROCEDURE

Hearings at Stage 2 of the Grievance Procedure will be heard by a panel of 2 Councillors, as appropriate.

The panel will meet with the employee as soon as possible, to discuss the issues and to seek a resolution. The employee has the right to be represented at the meeting. Following the initial meeting the panel will investigate the issues if necessary and write to the employee confirming the outcome.

If the employee remains dissatisfied after Stage 2, the employee has the option to appeal, this would instigate Stage 3 of the grievance procedure.

The procedure for handling a grievance hearing is outlined at Appendix 2.

STAGE 3 – FORMAL PROCEDURE APPEAL

If the employee remains dissatisfied after Stage 2, they can submit an appeal to the Chair of the Parish Council, or the Vice Chairman if appropriate within 10 working days of receipt of the outcome letter.

An Appeal Panel will be arranged consisting of two Councillors, one who will act as chair to the panel. In line with the ASCAS code ideally no member of the panel will have had any previous involvement in the case. However, if this is not possible due to the number of councillors and their previous involvement in the matter, a decision will be made to either use a councillor who has been involved earlier or ask East Riding of Yorkshire Council to provide someone appropriate to sit on the panel.

A hearing will be held as quickly as possible, and no later than 4 weeks from receipt of the appeal, unless otherwise agreed by all parties.

No new evidence or issue can be brought to the Appeal hearing. The hearing will consider what previous stages have concluded and whether that was fair given the information gathered.

Dependant on the nature of the grievance it may be necessary for the panel to seek an independent professional advisor to be present to provide advice to the panel on technical points, if required. The independent professional advisor would not be a decision making member of the panel.

This is the final stage in the grievance procedure. The decision of the panel will be final. The panel will write to the employee confirming the outcome of the meeting.

INVESTIGATION

A formal investigation will not be required in all Grievances raised. However, there will be occasions where an investigation is appropriate. In this instance a suitable Parish Councillor who had not previously been involved in the procedure will be appointed as the Investigating Officer and will carry out the investigation promptly and adequately. The employee(s) will be informed in writing of the name of the Investigating Officer.

The Investigating Officer may propose a timeframe within which the investigation could reasonably be expected to be completed. However, it is difficult to attach time limits to the process and all parties will be kept informed of any changes (and the reasons) to the proposed timeframe.

When the investigation is concluded, the employee will be informed in writing of the outcome of the investigation. The Investigating Officer will write to the Chair of the Council, or Vice Chair if appropriate, with their recommendation as a result of the investigation.

HEARINGS/APPEALS

The outcome of grievances hearings at Stage 2 and 3 will be confirmed in writing to the employee or representative within 5 working days following the meeting.

Where there has been a failure to agree at previous stages of the procedure, an appeal is to be made in writing to the next level within 10 working days of written receipt of the decision at the previous stage. Note: At Stage 1, this will be on receipt of the verbal decision at the informal discussion. Appendix 1, Notification of Grievance Form, can be used for this purpose.

Where no appeal is raised within this timescale the grievance will be deemed to have been resolved. Every effort will be made to hold grievance hearings in a timely manner.

Adequate time is to be allowed for the preparation of the Appeal paperwork at Stage 2 & 3, which must be submitted prior to the Hearing. Mutual exchange of papers prior to the hearing will take place by agreement on the same date and will be at least 5 working days before the hearing unless agreed otherwise between the parties. The complainant will be kept informed if there is to be a delay in arranging the Appeal hearing.

The procedure for handling a grievance hearing or appeal is outlined at Appendix 2.

REPRESENTATION

Employees have the right to be accompanied by a companion to grievance hearings, at all stages who can be either be:

- A trade union official who has been certified by the trade union as having had experience or having received training in acting as a worker's companion in such circumstances e.g. an accredited staff representative; or
- Another fellow worker employed by the Leconfield Parish Council. This right does not include the right to be accompanied by a person acting in a legal capacity or any other person.

The companion will be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

STATUS QUO WORKING

In the event of a Grievance being lodged which cannot immediately be resolved, then whatever practice or agreement existed prior to the difference shall continue to operate pending a settlement or until the agreed procedure has been exhausted.

Except where there is a manifest emergency situation in relation to services provided and /or health and safety matters and in such circumstances it may be difficult to operate the 'status quo'. In these circumstances a decision regarding the 'status quo working' will be made following discussions with the full Council (in a private meeting with no public or press). These are likely to be isolated or exceptional cases.

TIMING

Every effort will be made by both sides to resolve the grievance at the lowest stage and with the minimum delay.

RECORDS

Records will be kept detailing the nature of the grievance raised, the Leconfield Parish Council's response, any action taken and the reason for it. Those hearing the grievance are expected to maintain a written record at all stages of the process in accordance with the Grievance Policy.

A copy of the written record form will be retained on the employee's personal file for the duration of the process and for 12 months following the resolution or completion of the process. A copy of relevant background papers and the outcome correspondence will be kept on the file.

All records will be kept in a confidential environment and retained in accordance with the General Data Protection Regulation.

CONFIDENTIALITY

Grievance issues will be considered confidential. Only those persons who need to know will be given access to relevant information and they in turn, will treat that information as confidential in line with the General Data Protection Regulation. All those involved will be made aware that any breach of confidentiality (including informal discussions with colleagues) may prejudice a fair outcome and may also constitute a disciplinary offence.

POLICY REVIEW

The policy (and procedure) will be reviewed every 4 years following implementation. Where review is necessary due to legislative change this will happen immediately.

APPENDIX1: NOTIFICATION OF GRIEVANCE

To be completed following a failure to agree at Stage 1.

Employee Name:

Post:

To Chair of the Council/Vice Chair as appropriate:

I have discussed my grievance with the Chair of the Council/Vice Chair as appropriate.

Name:

Date:

And I remain aggrieved. In accordance with the Grievance Procedure, I now have to inform you of the following matter and wish to proceed to Stage 2 of the Procedure.

(Please give as much information as you can, as this will enable your grievance to be settled as quickly as possible. It would be helpful at this stage to state your preferred resolution).

Signed: Date:.....

Name:

When completed this form should be sent to the Chair or Vice Chair of the Council as appropriate.

Date received by Chair/Vice Chair of the Council:

APPENDIX 2: PROCEDURE FOR HANDLING A GRIEVANCE HEARING OR APPEAL AT STAGES 2 AND 3

Procedure for Handling a Grievance Hearing or Appeal at Stages 2 and 3
Administration

Hearings at Stage 2 of the Grievance Procedure will be heard by the appropriate level of management (Officer).

Stage 3 will be heard by a Grievance Panel as detailed in the Policy and Procedure.

- A minimum notice period of 10 working days will be given before a hearing or appeal (unless a mutually agreed shorter timescale is agreed between the parties).
- Mutual exchange of papers prior to the hearing will take place by agreement on the same date. This should be at least 5 working days before the Grievance hearing unless agreed otherwise between the parties.
- Copies of all papers to be considered at the hearing must be provided for each panel member, the employee and the employee's representative if applicable.

Procedure for Hearing:

At the outset of the hearing the Officer/Chair of panel hearing the grievance will:

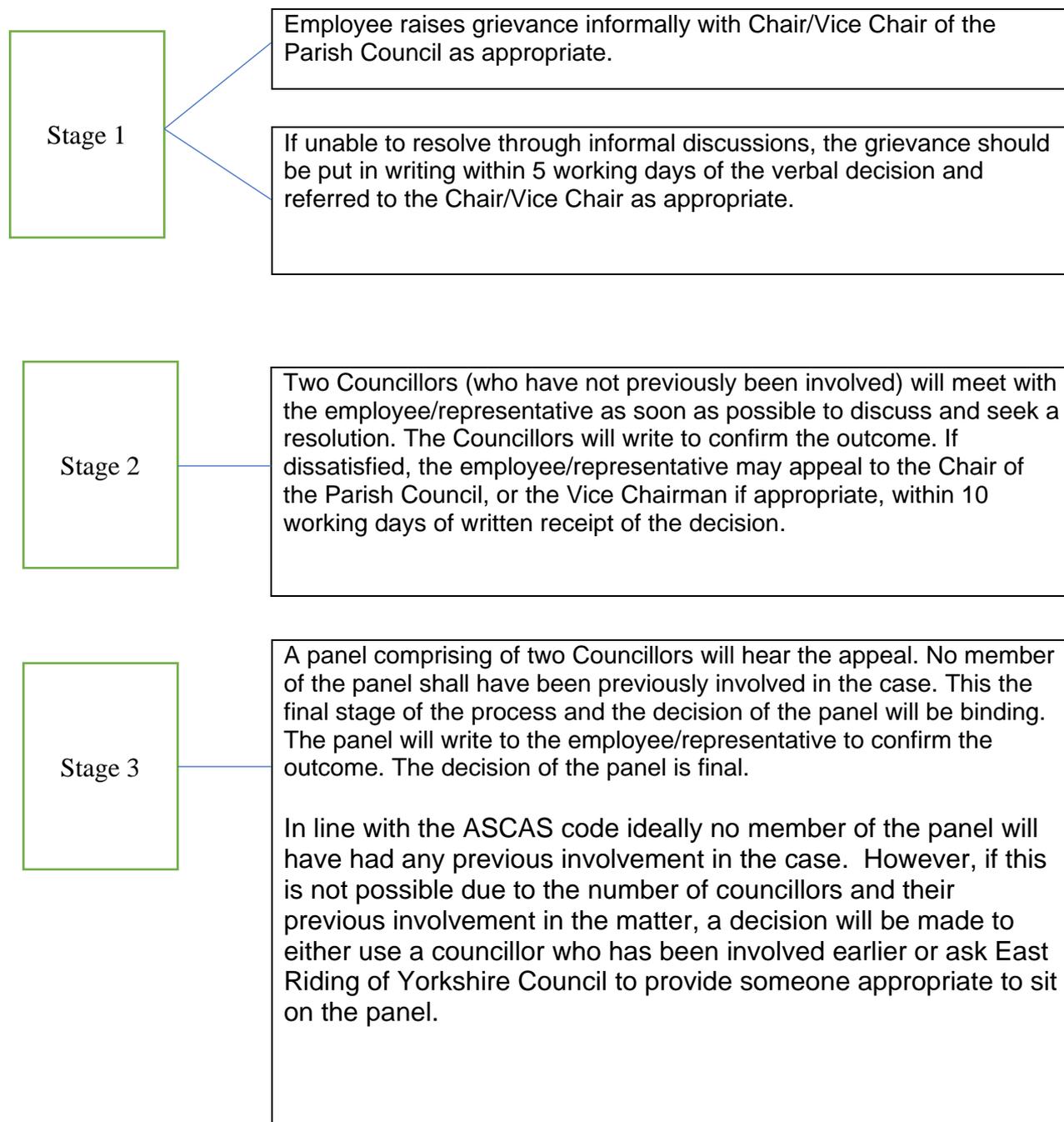
- Outline the purpose of the hearing
- Confirm to the employee and all present, that the hearing will be conducted in line with the grievance procedure
- Introduce all present and state the capacity in which they are there
- If the employee is not represented/accompanied, the Officer/Chair hearing the grievance will check that he/she is aware of his/her right to be represented/accompanied and whether or not he/she is happy to proceed without representation/accompaniment.
- The employee or their representative is asked to present their case and may call witnesses.
- The management side (from the Parish Council) may ask questions of the employee, their representative and witnesses, in order to clarify the issue.
- The Officer/panel members hearing the Grievance may ask questions of the employee, their representative and witnesses, in order to gain a comprehensive understanding of the issue.
- The employee or their representative may re-examine their witnesses on any points raised by the Officer or management side representative.
- The management side representative shall present its case and may also call witnesses.
- The employee or their representative may question the management side representative and witnesses.

- The Officer/panel members hearing the Grievance may then question the management side representative and witnesses.
- The management side representative may re-examine its witness on any points raised by the employee or representative and the Officer.
- Nothing in the foregoing procedure shall prevent the Officer/Chair, panel members from inviting the representative of either party to clarify or elaborate on any statement they may have made or from asking them questions as may be necessary.
- Management side representative makes a final statement without introducing new evidence.
- The employee or their representative makes a final statement without introducing new evidence.
- At the completion of the hearing of the evidence, the employee, their representative, and the management side shall withdraw.
- The Officer/Chair, panel members hearing the Grievance shall adjourn and consider the evidence in private, only recalling both parties and the representative to clear points of uncertainty on evidence already given.
- If possible the Officer/Chair conducting the meeting will give his/her decision at the time. Both parties will be informed of:
 - The decision
 - The reason for the decision
 - What action will be taken (where applicable/if any)
 - The decision will be communicated in writing within 5 working days
 - The employee's right to appeal the matter to the next stage of the formal procedure (other than at Stage 3)

Note:

A written record of the Hearing is required.

APPENDIX 3: FLOW CHART OF STANDARD GRIEVANCE PROCEDURE



All stages of the process will be undertaken in as timely a manner as possible

