

# Hartley Wintney Parish Council – Grievance Procedure

This document is based up on the NALC Model Grievance Procedure, National Training Strategy and ACAS Guide

## 1. Introduction

1.1 Grievances are concerns, problems or complaints that employees raise with their employers. Written records will be kept of all meetings and outcomes.

1.2 This procedure applies to all employees of the Council.

1.3 The objectives of the procedure are: -

- a. To foster good relationships between the Council and its employees by discouraging the harbouring of grievances;
- b. To settle grievances as near as possible to their point of origin;
- c. To ensure the Council treats grievances seriously and resolves them as quickly as possible; and
- d. To ensure that employees are treated fairly and consistently throughout the Council.

1.4 Matters excluded from this procedure are as follows: -

- a. Appeals against salary or gradings;
- b. Appeals against disciplinary actions;
- c. Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- d. Rules of pension schemes; and
- e. A grievance about a matter over which the Council has no control.

## 2. Informal Grievance Procedure

2.1 The main focus of all employment dispute processes should be to get the employment relationships back on track speedily.

2.2 In the interests of maintaining good working relations the employee is encouraged to discuss any grievance with his/her Line Manager immediately with a view to resolving the matter informally if appropriate.

2.3 Another line of informal procedure can be mediation which is voluntary and confidential and should take place between two or more individuals and an independent person, to reach a solution acceptable to everyone. The mediator will be mutually agreed between all parties and could be either a Councillor or another employee, if appropriate. Mediators do not judge or determine outcomes; they ask pertinent questions to try to uncover underlying problems, assist parties to understand issues and clarify the options for resolving the dispute.

2.4 If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below.

## 3. Formal Grievance Procedure

3.1 Disputes can be time-consuming, stressful for all concerned and detrimental to the running of the Council. It is, therefore, essential to have an agreed written procedure so that disputes can be handled consistently, fairly and promptly.

3.2 The employee must set out his/her grievance ("Statement of Grievance") without unreasonable delay following the incident in writing to his/ her Line Manager or Chairman of the Staffing Committee providing they are not the subject of the grievance.

3.3 Once the Council has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance and investigate the matter, the employee will be invited to attend a grievance meeting to discuss the matter. The initial investigation will be made by the Executive Clerk and in conjunction with an independent HR representative, as required. The grievance hearing panel will consist of 3 members of the Staffing Committee plus an independent HR representative to advise, as required. Where a hearing panel cannot be formed from 3 members of the Staffing Committee, for example due to prior involvement, the Committee can appoint panel members from the Full Council body.

a. The employee must take all reasonable steps to attend the meeting.

b. Grievance meetings will normally be convened with 14 days of the Council receiving the Statement of Grievance.

3.4 The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative. If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.

3.5 A grievance meeting, should allow the employee to restate their case and how they would like to see it resolved. The aim of the hearing panel is to make a binding decision. Should matters raised during the hearing need to be investigated, it may be adjourned to afford the hearing panel time to consider the decision.

3.6 After the meeting the employee should be informed of the timing of a decision, which is that they will be informed of the Council's decision within 5 working days. [The meeting may be reconvened for this purpose]. The Council's decision will be confirmed to the employee in writing.

3.7 If the employee wishes to appeal against the council's decision he or she must inform the Council within 5 working days of receiving the decision.

3.8 If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before 3 members of the Staffing Committee who have had no prior involvement in the matter. Where an appeals panel cannot be formed from 3 members of the Staffing Committee, for example due to prior involvement, the Committee can appoint panel members from the Full Council body. The employee must take all reasonable steps to attend that meeting.

3.9 The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee or by a Trade Union representative. If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.

3.10 A grievance appeal meeting will normally be convened within 7 working days of the Council receiving notice that the employee wishes to appeal pursuant to 3.6. above. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.

3.11 The aim of the appeal panel is to make a binding decision. After the grievance appeal meeting the employee will be informed of the appeal panel's final decision within 5 working days. [The meeting may be reconvened for this purpose]. The Council's decision will be confirmed to the employee in writing.

#### **4. Modified Council Grievance Procedure for Former Employees**

4.1 If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing and provide a copy to the Chairman of the Staffing Committee.

4.2 Following receipt of a statement of grievance pursuant to 4.1. above, the council will either write to the ex-employee inviting him or her to attend a meeting to discuss the grievance, or to ask for the ex-employee's agreement to the council responding to the grievance in writing.

4.3 If the ex-employee does not agree to the matter being dealt with by correspondence within 7 working days of the council writing to them pursuant to 4.2. above steps 3.1. to 3.5. of the standard council grievance procedure will be followed. The meeting will be conducted by the Staffing Committee.

4.4 If the ex-employee does agree to the matter being dealt with by correspondence, the Staffing Committee will consider his or her grievance and will respond to the ex-employee in writing within 14 days of the receipt of such confirmation setting out the basis for the Staffing Committee's decision.

## **5. General Procedural Information**

5.1 Grievances raised under the standard Council Grievance Procedure will normally be investigated, and any investigative meetings to discuss the grievance conducted by the Executive Clerk and in conjunction with an independent HR representative, as required.

5.2 If an employee's grievance is about his/her Line Manager they should raise the matter with the Chairman of the Staffing Committee. All investigations and any grievance meeting will be conducted by the said Staffing Committee and any grievance appeal meeting will be conducted by 3 members of the Staffing Committee who have had no prior involvement in the matter.

5.3 Where a grievance is raised by the Clerk to the Council or all employee relations matters are dealt with by the Staffing Committee all investigations and any grievance meeting will be conducted by the said Committee. Any grievance appeal meeting will be conducted by 3 members of the Staffing Committee who have had no prior involvement in the matter.

5.4 A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's/ex-employees personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

5.5 The Council reserves the right to engage an independent HR advisor as required to assist with any aspect of this policy.

## **Additional information**

For further information, please contact the Executive Clerk or the Chairman of the Policy Committee.

## **Amendment Record**

- Version 1: Initial Issue as Interim Policy – March 2014  
Approved by Full Council - March 2014
- Version 2: Initial Issue as Interim Policy – 20<sup>th</sup> March 2017  
Approved by Full Council – 3<sup>rd</sup> April 2017
- Version 3: Approved by Full Council – 5<sup>th</sup> March 2018
- Version 4: Reviewed by Policy Committee – 23<sup>rd</sup> July 2018  
Approved by Full Council – 6<sup>th</sup> August 2018