



Council Offices, Dungeon Brow, Market Street, Hayfield, High Peak, Derbyshire, SK22 2EP
Tel. 01663 744550. Email: clerk@hayfield-pc.gov.uk

Grievance and Disciplinary Policy – Adopted 03/06/2020

Reviewed 10/05/2023 minute 0523/20

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It 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 Parish 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:
 - employees have the right to be accompanied or represented at a formal grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative 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
 - the Parish Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the 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 Parish Council
 - an employee has the right to 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 Parish Council in accordance with the General Data Protection Regulation (GDPR)
- 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 Parish 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 consent of both/ all parties
- the Parish 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 Executive members are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns his or her safety within the working environment, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The manager will consider whether it should take further action in this matter in accordance with any of its employment policies (for example the health and safety policy).

Informal grievance procedure

4. The Parish 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 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 Chairman of the Finance, if appropriate, another member of the committee. If the grievance relates to an individual, it is preferable to involve both parties but this will require the consent of both.

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 employee's line manager.
6. Within 7 working days of receiving the grievance, the employee will be invited to a formal hearing. The hearing will include 2 or 3 members of Parish Council. If the grievance is about an individual, that person will not be present at the hearing. The invitation will confirm:
 - The names of the Chairman of the meeting and any other members
 - A summary of the grievance based on the employee's written submission

- The date, time and place for the meeting. Reasonable notice will be given and this will normally be within 3 weeks of receiving the grievance letter
- The employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- A copy of the Parish Council's grievance policy
- Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses at least 5 working days before the meeting
- Confirmation that the employee will provide the Parish Council with any supporting evidence at least 5 working days before the meeting.

7. An investigation will be conducted prior to the hearing which may include interviewing others (eg other employees)

8. At the grievance meeting:

- the Chairman will introduce the members of the panel to the employee
- 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 Parish Council to take
- any member of the panel and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- the Chairman will provide the employee with the panel's decision, in writing, within five working days of the meeting. which will notify the employee of the action, if any, that the Parish Council will take and of the employee's right to appeal
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the panel.

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

10. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Parish Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the panel was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

11. The appeal will be heard by a panel of three members of Parish Council who have not previously been involved in the case. The appeal panel will appoint a Chairman from one of its members.

12. 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 15 working days of the Association's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
13. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the grievance panel
 - explain the action that the appeal panel may take.
14. The employee (or companion) will be asked to explain the grounds of appeal.
15. 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.
16. The appeal panel may decide to uphold the decision of the grievance panel or substitute its own decision.
17. The decision of the appeal panel is final.