



## Grievance Policy and Procedures

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## **1. Introduction**

Grievances are concerns, problems or complaints in respect of employees of Carn Brea Parish Council, raised by an employee with their line manager. Anybody may at some time have problems or concerns with their working conditions or relationship with colleagues that they may wish to raise.

This Grievance policy does not apply to what might otherwise be a grievance, but which involves a concern, problem or complaint in respect of a Carn Brea Parish Council Councillor. Such matters fall under the Code of Conduct (Ledbury Ruling) and will be referred to the Monitoring Officer at Cornwall Council.

The purpose of raising a grievance is to seek a resolution to the concern, problem or complaint. It is a fundamental part of the process to try and achieve a resolution and to this end, the aggrieved employee should consider not only what is their concern, problem or complaint but also what they wish to be the action to resolve the matter.

Issues that may cause grievances (but not limited to): -

- Terms and conditions of employment.
- Health and safety.
- Work relations.
- Bullying and harassment.
- New working practices.
- Working environment.
- Organisational change.
- Unlawful Discrimination.

## **2. Record Keeping**

Records will include: -

- The nature of the grievance.
- Proposed resolution.
- What was decided, and actions taken.
- The reason for the action.
- Whether an appeal was lodged.
- The outcome of the appeal.
- Any subsequent developments.
- Meeting notes.

Records will be treated as confidential and be kept no longer than necessary in accordance with Carn Brea Parish Council's data retention policy.

Copies of meeting records will be given to the employee including copies of any formal minutes that may have been taken.

### **3. Confidentiality**

So far as is reasonably practicable, the Council will keep any grievance complaint confidential between the manager or members investigating the grievance complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### **4. Information**

Carn Brea Parish Council recognise that individual employees or groups of employees may, from time to time, feel aggrieved about an aspect of their employment and accepts that each employee has the right to raise a grievance, stating their desired resolution and to expect that the Council will consider it and respond.

It is the policy of Carn Brea Parish Council to give employees the opportunity to air and seek resolution for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council relating to their employment. This document describes the procedure which aims to facilitate a speedy, fair and consistent conclusion to an individual employee's employment grievance. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

The purpose of the accompanying procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to resolve grievances as near as possible to their point of origin.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Grievances that have already been considered in accordance with the procedure;
- Grievances arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Grievance in respect of issues over which the Council has no control e.g. external legislation; and
- Grievances that are already the subject of a collective grievance or dispute.

The timescales shown in this policy may be altered by mutual agreement.

The nature and number of grievances raised in accordance with the accompanying procedure will be monitored annually by the Clerk.

This policy and the accompanying procedure will be the subject to a yearly review by the Clerk and the Staffing Committee. Recommendations for amendments will be approved by Full Council.

## 5. Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary are related it may be appropriate to deal with both issues concurrently.

## 6. Principles

- a) At every stage in the procedure the aggrieved will be given the opportunity to state their case before any decision is made.
- b) Grievances will be dealt with promptly and consistently.
- c) At all formal stages the aggrieved will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.
- d) The aggrieved will have the right to appeal against any outcome of the Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a Grievance against the Council. If it is determined that the grievance has been raised maliciously then the matter may be considered under the Council's disciplinary policy.
- f) It may be helpful to use mediation at any stage of the dispute.
- g) Employers and employees should act consistently.

## 7. Informal Resolution

Where an employee is aggrieved about any matter relating to their employment, they should raise the matter informally with the Clerk as soon as possible and other than in exceptional circumstances, within **ten working** days of the incident or event. However, employees will be permitted to raise as part of a grievance a series of directly related incidents having a cumulative effect.

In the case of the grievance relating to the Clerk this should be reported to the Chairman of the Staffing Committee.

In the case of the Clerk to the Council raising a grievance, this should be directed to the Chairman of the Council.

In the case of any grievance raised against a member of the Council, the employee will be informed that they should make the complaint to the Monitoring Officer.

Informal grievances should be considered and sought to be resolved within ten working days. Whether or not this proves possible, the employee should be informed of the decision and if appropriate any action taken.

Employees may wish to seek advice of a trade union representative or colleague prior to raising a grievance at this informal level.

## 8. Formal Resolution

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, or if the employee is not satisfied with the result of the informal process, they should raise the matter formally in writing to the Clerk, or if this is not appropriate to the Chairman of the Staffing Committee, stating the nature of the grievance and desired resolution. This should be done as soon as possible, and other than in exceptional circumstances, within **ten working days** of the alleged incident or event if the employee does not wish to raise the grievance informally. If the employee raises the matter informally and then is not satisfied with the result of the informal process, within ten working days of raising the dissatisfaction with the result of the informal process, in writing, as above.

Where employees have difficulty expressing themselves because of language or other difficulties they may like to seek help from trade union or other employee representatives or from colleagues.

When stating their grievance, employees should stick to the facts and avoid language which may be considered insulting or abusive.

The Clerk, in consultation with the Chairman of the Staffing Committee will call an extraordinary meeting of the Staffing Committee who will appoint a sub-committee of three members to hear the grievance. 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.

The Staffing Committee will create Terms of reference for the panel that clearly explain the role and responsibilities for the grievance hearing to include:

- What the hearing is required to examine.
- Whether a recommendation is required.
- How their findings should be presented.
- Who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

## 9. Grievance Process

Within 5 working days of the Staffing Committee receiving the formal grievance and appointing a panel of 3 members, the employee will be asked, in writing, to attend a grievance hearing. The panels letter will include the following: -

- The names of the panel's Chairman, other members, note taker and any legal advisors.
- A summary of the employee's grievance and desired resolution, based on their written submission.
- The date, time and place for the hearing. The employee will be given reasonable notice of the hearing.
- The employee's right to be accompanied by a workplace colleague, a trade union representative or an official employed by a trade union.
- 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 witnesses at least five working days before the hearing.
- Confirmation that the employee will provide the Council with any supporting evidence at least five working days before the hearing.

The Council will endeavor to make the hearing arrangements mutually convenient and will arrange a confidential location, free from interruptions.

## 10. Grievance Hearing

At the grievance hearing:

- The Chairman will introduce the members of the panel to the employee and explain the Terms of Reference set out by the Staffing Committee.
- The employee will set out the grievance and desired resolution and present the evidence.
- The Chairman will ask the employee what action they want the Council to take.
- Any member of the panel and the employee may question any witness.
- The companion is allowed to address the hearing in order to put the employee's case, sum up the employee's case, respond on the employee's behalf to any view expressed at the hearing and confer with the employee during the hearing.
- The companion can ask witnesses questions. However, the companion is not permitted to answer questions on the employee's behalf or to address the hearing if the employee does not wish it, or to prevent the employee from explaining their case.
- The employee will have the opportunity to sum up the case.

- The panel hearing the grievance may determine that further investigation is required – having listened to the employee’s submission – the hearing will be adjourned for a period during which time arrangements for appropriate investigation can take place. It is not absolutely necessary that other parties attend the reconvened hearing. However, if it is determined by the panel that their contributions would facilitate consideration of the grievance, they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved individual during the course of the hearing.
- The employee raising the grievance will be invited to attend and given reasonable notice of the hearing.
- A formal response to the grievance should be issued within 5 working days of either the initial or subsequent grievance hearing as appropriate, however if a response cannot be made within that period, the Chairman of the panel will inform the employee when they might reasonably expect to receive the response.
- The Chairman will sum up the main points.

#### **11. If an investigation is required**

A meeting of the Staffing Committee will be held as soon as is practicable following the Grievance Hearing giving the standard 3 days clear notice.

The meeting will make appropriate arrangements for an investigation including nominating an investigator to conduct any necessary research, including, if appropriate, liaising with other parties. A note taker will also be appointed.

The investigator should be a member of the Staffing Committee who has had no previous connection with the grievance. In the absence of a suitable member, an investigator should be appointed from members of Full Council or an independent investigator from outside the Council.

The Staffing Committee will create Terms of reference for the investigator that clearly explain the role and responsibilities for the investigation, to include:

- What the investigation is required to examine.
- Whether a recommendation is required.
- How their findings should be presented.
- Who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

The investigation will be concluded as soon as reasonably practicable.

## **12. Investigation Meeting**

### **Notice to be given to the employee to whom the grievance relates**

The employee will be asked in writing to attend an investigation meeting. The letter will include the following: -

- The names of the investigator and any other members, minutes taker and any legal advisors who will be attending the meeting.
- A summary of the grievance .
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be as soon as practicable of when the Council received the grievance.
- 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.

The Council will endeavor to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

### **13. At the investigation meeting:**

The role of the investigation is to be fair and objective in order to establish the essential facts of the matter and reach a conclusion on what did or did not happen. This should be done by looking for evidence that supports the allegation and evidence that contradicts it.

- The investigator will introduce themselves and anyone else present at the meeting and explain the Terms of Reference.
- The investigator will set out the grievance and desired resolution.
- The investigator will ask questions to establish facts.
- The employee will be allowed to respond.
- The investigator will set out the time frame and process to be followed.



#### **14. Following investigation meeting**

The grievance hearing will be reconvened as soon as practicable to receive the report from the investigator. The employee raising the grievance will be invited to attend and given reasonable notice of the hearing. The employee will also be notified that they have the right to be accompanied by a workplace colleague, a trade union representative or an official employed by a trade union.

Other parties would not be expected to attend the reconvened meeting.

The grievance hearing will proceed as follows: -

- The Chairman will sum up the main points of the initial hearing.
- The hearing will receive the report from the investigator.
- The employee raising the grievance will have an opportunity to present their case.
- The panel may ask questions of the employee and the investigator.
- The employee will be able to sum up their case.
- If set out in the Terms of Reference, the hearing will make appropriate recommendations and set out their findings in a report.

A formal response should be issued within 5 working days of the reconvened grievance hearing as appropriate.

A copy of notes taken at interviews will be provided to interviewees and they will be asked to sign and return them to confirm that they are an accurate record of the meeting.

#### **15. Response following grievance hearing or reconvened grievance hearing following investigation**

A meeting of the Staffing Committee will be held as soon as is practicable following the Grievance Hearing giving the standard 3 days clear notice to hear the recommendations of the panel and make appropriate resolutions.

Careful consideration of the evidence will be given.

A formal written response to the grievance should be issued within 5 working days of either the initial or reconvened grievance hearing as appropriate. Where appropriate this response will set out what action the Council intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action proposed.

## 16. Appeal

If the employee is dissatisfied with the decision of the Staffing Committee, they have the right of appeal. The notice of appeal should be submitted in writing within **ten working days** of receipt of the formal written response issued.

The employee should set out in writing the grounds on which their appeal is based. The appeal can be: -

- a) against the finding of the Hearing (i.e. that the grievance was upheld or not upheld) and/or;
- b) against the proposed resolution, if any, and/or;
- c) there is new evidence, not available to the Hearing.

In the case of (a) and (b) above the employee should set out the grounds on which they are appealing.

The Clerk, in consultation with the Chairman of the Staffing Committee will call an extraordinary meeting of the Staffing Committee who will set up an Appeal Panel to consider the appeal. The Appeal Panel must consist of members who have not been part of the original Grievance Panel or the Investigator if an investigation took place. There may be insufficient members of the Staffing Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Staffing Committee. It may be necessary to appoint external independent members to the Appeal Panel if there are insufficient Councillors through their previous involvement or other non-availability. The Appeal panel shall 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 as soon as practicable after the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.

A copy of the notes of the Grievance Hearing will be made available for the appeal and a copy provided to the employee before the meeting.

## **17. Appeal Hearing**

At the appeal panel meeting the Chairman will:

- Introduce the panel members to the employee.
- Explain the purpose of the meeting, which is to hear the employees' reasons for appealing against the decision of the Staffing Committee.
- Explain the actions that the appeal panel may take, which are (i) to confirm or alter the findings of the Hearing and/or (ii) to confirm or alter the proposed resolution.

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

The Panel may ask questions of the employee.

The employee will be given the opportunity to sum up their case.

The Chairman will inform the employee that they will receive the decision and the panel's reasons, in writing within 5 working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.

The Chairman of the Appeal Panel will notify, in writing, the decision of the Appeal Panel to the Clerk and/or the Chairman of the Staffing Committee as soon as possible after the Appeal Hearing ends. Dependent on the decision of the Appeal Panel a decision to call an extraordinary meeting of the Staffing Committee will be made by the Clerk and/or the Chairman of the Staffing Committee.

The decision of the Appeal Hearing will be final and there will be no further right of appeal.