Grievance Policy

Approved by:	Full Council – 155/24.1
Date adopted:	16 December 2024
Annual review date:	December 2026

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Introduction and Policy Aims

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at works. It aims to encourage and maintain good relationships between Meriden 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 Meriden Parish 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 companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for their 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 their case.
- Meriden 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 unless it is unreasonable not to propose a later date.
- Any changes to specified time limits must be agreed by the employee and Meriden Parish Council.
- An employee has the right to appeal against the decision about their 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 General Data Protection Regulation (GDPR).
- Audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties 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 with be taken against the employee if they raised the grievance in good faith.
- The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there has been a communication breakdown or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.

Grievances Raised Against Councillors:

- Employees can only use all stages of the grievance procedure if the complaint is not a Code of Conduct complaint about a Councillor. Employees can use the informal stage of the Council's grievance procedure to deal with all grievance issues, including a complaint about a Councillor. Employees cannot use the formal stages of the Council's grievance procedure for a Code of Conduct complaint about a Councillor. If the complaint about the Councillor is not resolved at the informal stage, the employee can contact the Monitoring Officer at Solihull Council who will inform the employee whether or not the complaint can be dealt with under the Code of Conduct. If it does not concern the Code of Conduct, the employee can make a formal complaint under the Parish Council's grievance procedure
- The Council may engage external investigators, grievance or appeal panels for the purposes of the process.
- If the grievance is a Code of Conduct complaint against a Councillor, the employee cannot proceed with it beyond the informal stage of the Parish Council's grievance procedure. However, whatever the complaint, 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 Councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a Councillor, the employee should raise these safety concerns with their line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the Code of Conduct regime

Informal Grievance Procedure

Meriden 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 the Chair of the Parish Council 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 the Chair (for example, because it concerns the Chair), the employee should contact the Vice Chair of the Parish Council or, if appropriate, the

Chair of the Finance, Governance and Personnel Committee. If the employees complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the employees and the Councillor consent.

Formal Grievance Procedure

If it is not possible to resolve the grievance informally and the employees complaint is not one that should be dealt with as a Code of Conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chair of the Parish Council.

The Finance, Governance and Personnel Committee will appoint a sub-committee of three Councillors to hear the grievance in the event that the grievance is raised by or relates to the Clerk. Were the grievance is not raised by or relates to the Clerk, the Finance, Governance and Personnel Committee may appoint the Clerk to hear the grievance. The sub-committee will appoint a Chair from one of it Councillors. No Councillor with direct involvement in the matter shall be appointed in the sub-committee.

Investigation

If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex) it may appoint an investigator to carry out the investigation before the grievance meeting to establish the facts of the case. The investigator may be an appropriate employee, Councillor or external party.

The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

Within fourteen calendar days of the Parish Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its Chair and Councillors
- the date, time and place for the meeting; the employee will be given reasonable notice of the meeting which will normally be within 35 calendar days 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 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 their witnesses as soon as possible before the meeting

- confirmation that the employee will provide the Parish Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The Grievance Meeting

At the grievance meeting:

- the Chair will introduce the Councillors of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chair will ask the employee questions about the information presented and will want to understand what action the employee wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

The Chair will provide the employee with the sub-committee's decision, in writing, usually within seven calendar days of the meeting though may be longer e.g. where further investigations are required. The letter will notify the employee of the action, if any, that the Parish Council will take and of the employee's right to appeal.

The Appeal

If an employee decides that their grievance has not been satisfactorily resolved by the sub-committee, they may submit a written appeal to the Finance, Governance and Personnel Committee. An appeal must be received by the Parish Council within seven calendar days of the employee receiving the sub-committee's decision and must specify the grounds of 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 Councillors who had not previously been involved in the case. The Parish Council may engage external parties if there are insufficient Councillors to form the panel. The appeal panel will appoint a Chair.

The employee will be notified, in writing, usually within fourteen calendar days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting

will normally take place within 35 calendar days of 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.

At the appeal meeting, the Chair will:

- introduce the panel to the employee
- explain the purpose of the meeting, which is the hear the employee's reasons for appealing against the decision of the sub-committee
- explain the action that the appeal panel may take

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

The Chair of the appeal panel will inform the employee that they will receive the decision and the panel's reasons, in writing, and when they are likely to receive the letter. This may be within fourteen calendar days of the appeal meeting, however will be longer where further investigations are required.

The appeal panel may decide to uphold the decision of the sub-committee appointed by the Finance, Governance and Personnel Committee or substitute its own decision.

The decision of the appeal is final.