



# **Milford on Sea Parish Council – Grievance Policy**

**Adopted August 2024**

## **Introduction**

This Policy 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 (and its subsequent revisions).

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, trade union representative or 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 meeting(s), to present the employee's case for his/her/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 his/her/their case.
- The Parish Council will give employees reasonable notice of the date of the grievance/appeal meeting. Employees and their companions must make every reasonable effort 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 which is within 5 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 the Parish Council
- An employee has the right to appeal against the decision about his/her/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).

- 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 the grievance is not upheld, no disciplinary action will be taken against an employee if he/she/they 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 affected parties.
- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a Parish Councillor. Employees can use the Informal Stage of the of the grievance procedure to deal with all grievance issues, including a complaint about a Parish Councillor. If the complaint about the Parish Councillor is not resolved at the time of the Informal Stage, the employee can contact the Chair of the Parish 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.
- If the grievance is a code of conduct complaint against a Parish Councillor, the employee cannot proceed with it beyond the Parish Council's grievance procedure. However, whatever the complaint the Parish Council has a duty of care to all 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 Parish Councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns safety within the working environment, whether or not it also concerns a complaint against a Parish Councillor, the employee should raise these safety concerns with their Line Manager at the informal stage of the grievance procedure. The Parish Council will consider whether it should take further action in this matter in accordance with any of its employment policies and in accordance with the code of conduct.

### **Informal Grievance Procedure**

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 their Line Manager to see if a solution is possible.

If the employee does not wish to discuss the grievance with their Line Manager, they should contact the Chair of the Committee, or if appropriate another member of the Staff Committee.

If it is not possible to resolve a grievance informally, the employee may submit a formal grievance.

It should be submitted in writing to the Chair of the Staff Committee.

### **Investigation**

If the Staff Committee decides that it is appropriate (i.e. the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews.

The investigator will summarise their findings and present their findings to the Staff Committee.

### **Notification**

Within 10 working 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 date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Parish Council received the grievance.
- The employee's right to be accompanied.
- A copy of the Parish Council's grievance policy
- Confirmation that, if necessary, witnesses may attend (or submit statements) on the employee's behalf and 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 2 days' notice.
- An invitation for the employee to request any adjustments to be made for the hearing (for example where the person has a health condition).

The Staff Committee will hear the grievance.

### **The Grievance Meeting**

At the Grievance Meeting:

- The Chairman will introduce the meeting.
- The employee will set out the grievance and present the evidence.
- The Chairman will ask the employee questions about the information and will want to understand what action the employee wishes the Parish Council to take.
- The employee 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.

The Chairman will provide the employee with the decision, usually within 5 (five) working days of the meeting. The letter will notify the employee of the action, if any, that the Parish Council will take and the employee's right to appeal.

## **The Appeal**

If an employee decides that their grievance has not been satisfactorily resolved, they may submit a written appeal to the Staff Committee. An appeal must be received within 5 (five) days of the employee receiving the decision and must specify the grounds of the appeal.

Appeals may be raised on a number of grounds:

- A failure by the Parish Council to follow its Grievance Policy.
- The decision was not supported by evidence.
- The action proposed was inadequate/inappropriate.
- New evidence has come to light since the grievance meeting.

The appeal will be heard by a panel of 3 (three) Parish Councillors who have not previously been involved in the case. The appeal panel will appoint a Chair.

The employee will be notified in writing, usually within 10 (ten) working days of receipt of the appeal, of the date, time and place of the appeal meeting. The meeting will normally take place within 25 (twenty-five) days of the Parish 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:

- Explain the purpose of the meeting.
- Explain the action that the panel may need to take.

The employee will be asked to explain the grounds of the appeal.

The Chairman will inform the employee that they will receive the decision and the panel is final.