

BOLTON by BOWLAND, GISBURN FOREST & SAWLEY PARISH COUNCIL (the council)

GRIEVANCE PROCEDURE ADOPTED by the Parish Council 03.07.17

PURPOSE AND SCOPE

It is the policy of the council to give the Clerk the opportunity to air and seek redress for any individual employment grievance which he/she may have. Grievances may be any concerns, problems or complaints he/she may wish to raise with the council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. ***This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.***

1. PRINCIPLES

- a) At every stage in the procedure the Clerk will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently.
- c) At all formal stages the Clerk will have the right to be accompanied by a trade union or LALC representative as outlined in the Employment Relations Act 1999.
- d) The Clerk will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will the Clerk be penalised or victimised for having raised a grievance against the council.

2. PROCEDURE

2.1 Wherever possible, any grievance should be raised informally with the Chair of the Council unless the complaint is about the Chair in which case the Vice Chair will be automatically nominated to handle the Clerk's concerns. On receipt of a grievance, a panel of not less than 3 Councillors should be established to handle employment matters and the issues raised which shall be treated with discretion and confidentiality at all times.

2.2 Written Statement: If the Clerk does not consider it appropriate to raise the grievance informally, or if requested by the person the Clerk spoke to informally, then the Clerk should submit a formal grievance in writing to the Chair, or if this is inappropriate to the Vice Chair.

2.3 Meeting or Hearing: On receipt of a written complaint from the Clerk, the Chair of the appropriately convened panel will arrange a meeting with the Clerk (normally within 10 working days) The Panel Chair will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The panel will investigate the substance of the grievance and hear submissions from the Clerk together with such other submissions or evidence as the panel shall consider appropriate and take such steps as the panel shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. The Clerk may call witnesses by prior arrangement with the panel. There is no right for a Councillor implicated in the Clerk's grievance to cross examine the aggrieved during a grievance hearing but the panel may wish to make its own investigations through interviewing those individuals and/or other witnesses separately.

The Panel may ask the Clerk what he or she would like to happen as a result of raising the grievance (if it is upheld) and the panel shall bear this in mind when preparing the response.

2.4 Response: The Panel Chair will advise the decision to the Clerk in writing within 10 working days of the decision and, where appropriate, shall include an action plan to assist in the resolution of the problem.

2.5 Appeal: If the Clerk is dissatisfied with the decision of the panel, he/she may appeal against the decision to the Chair of the Council or other elected Member by written notice within five working days of the decision. An Appeal may be raised if:

- The Clerk thinks the finding, or action plan, is unfair
- New evidence has come to light
- The Clerk thinks that the procedure was not applied properly

On receipt of the appeal the council shall form an Appeals Panel. The Appeals Panel shall not be chaired by the same person who chaired the original hearing, nor shall members of the previous Hearing Panel be part of the Appeals Panel. The Appeals Panel shall arrange to meet with the Clerk and hear the reason for the appeal. The Appeals Panel shall then retire into private session to consider whether the appeal should be upheld or whether the decision of the original panel should remain. The decision of the Appeals Panel will be final. The Council will need to ensure that the Councillors involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

2.6 Bullying or Harassment: If a grievance concerns alleged bullying or harassment and is proven after a thorough investigation, then disciplinary action may be instigated against any alleged perpetrators of the action.

2.7 Right to be Accompanied: At any formal stage of the procedure the Clerk may be accompanied by a work colleague (if one exists) or their trade union or LALC representative or official of a trade union (appropriately accredited). However, as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, friend, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

2.8 Hearing Panels

Wherever possible, the council should establish and maintain a hearing panel to hear disciplinary and grievance hearings so that if a dispute does arise in the workplace the Councillors involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual Councillors are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

2.9 Confidentiality: So far as is reasonably practicable, the council will keep any grievance or complaint of harassment confidential between the Chair or Vice Chair investigating the grievance or complaint, the Clerk and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other person, the Clerk will be so advised.

2.10 Record Keeping: In all cases, written records of the nature of the grievance raised, the panel's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

2.11 Grievances raised during Disciplinary Hearings

In some circumstances when a disciplinary process has commenced the Clerk may choose to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Councillors. In such cases the Council will adopt SLCC recommendations, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. Only in exceptional circumstances will the council deal with the two disputes concurrently. In such circumstances specialist advice will be sought if this arises.

3. GETTING IT WRONG

Following the repeal of the 2004 Dispute Resolution Regulations employees no longer HAVE to raise a grievance before going to an employment tribunal. However, establishing a mechanism for differences and disputes to be resolved internally can often allow the employment relationship to continue.

In light of the above, the council will communicate this procedure to the Clerk, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure. In return the clerk shall acknowledge receipt of and acceptance of the above procedure and such acceptance shall be noted in the minutes of the council meeting immediately following acceptance by the Clerk.

I _____ being the Clerk to Bolton by Bowland, Gisburn Forest & Sawley Parish Council hereby confirm that I have read the above grievance procedure and accept its terms.

Signed _____ Date _____