



## GRIEVANCE PROCEDURE

### 1. PURPOSE AND SCOPE

It is the policy of the council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the council. This procedure does not apply to collective grievances.

This document describes the procedure which aims to facilitate a speedy, fair, and consistent solution to an individual employee's employment grievance. The informal approach is encouraged as far as possible.

This procedure is prepared in accordance with the ACAS Code of Practice, March 2015.

This procedure does not form part of an employees' contract of employment, and changes will be made to the procedure in line with the law and best practice, as needed.

### 2. PRINCIPLES

- a) At every stage in the procedure the employee will be given the opportunity to state their case before any decision is made.
- b) Grievances will be dealt with promptly and consistently, timescales can be altered and agreed by both parties.
- c) Mediation can be considered at any stage, not just after the formal procedure.
- d) At all formal stages, the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing, see further information in section 3.7.
- e) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- f) At no time will an employee be penalised or victimised for having raised a Grievance against the council.
- g) Malicious grievances may warrant disciplinary action.
- h) Any written records will be kept confidential and retained in accordance with data protection law.

### 3. PROCEDURE

#### 3.1 *Informal First*

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. Grievances can be informally raised with someone other than the line manager if appropriate.

In the case of the Executive Officer to the council raising a grievance this should be directed to the Chair of the council unless the complaint is about the Chair in which case another Member can be identified to handle the Executive Officer's concerns. The recipient of the grievance from a Executive Officer should share the grievance with the relevant committee established to handle employment matters and the issues should be always treated with discretion and confidentiality.

#### 3.2 *Written Statement*

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit

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a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management.

### **3.3 Meeting or Hearing**

Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the line manager or Chair of the appropriately convened committee or hearing panel will arrange a meeting with the employee.

The Hearing Manager will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as they shall consider appropriate and take such steps as they shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place.

Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing, but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately.

The Panel may ask the employee what they would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

### **3.4 Response**

The Hearing Manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree, and publicise the workable solutions, monitor, review and learn from the experience.

There may be some value in exploring Mediation as a way in which to resolve differences between two parties. The SLCC can advise on approaches and bodies which may be able to assist (external organisations may levy a fee for such services)

### **3.5 Appeal:**

If the employee is dissatisfied with the decision on their complaint, they may appeal against the decision to the Chair or other elected Member by written notice within five working days of the decision. An Appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair
  - New evidence has come to light, but this will only be considered if there is a good reason it was not presented earlier
- The employee thinks that the procedure was not applied properly

On receipt of the appeal the council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as they

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consider appropriate without unreasonable delay. A written response will be issued to an appeal.

The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as they consider necessary to resolve those issues. Where the council's Chair has chaired the initial grievance meeting the Vice Chair or Chair of another committee will hear the appeal as a hearing manager the decision of the Appeal Hearing will be final.

The council will need to ensure that the Members 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.

### ***3.6 Bullying or Harassment***

If a grievance alleges bullying or harassment the matter should be reported promptly to the employee's Line Manager, or another manager/Member if more appropriate, with an indication of the required action.

The complaint will then be investigated, and any action taken, and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available, the employee will be notified.

As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being elected Members a Code of Conduct complaint lodged by the council through the Standards process.

### ***3.7 Right to be Accompanied***

At any formal stage of the procedure where a decision may be taken on the grievance, an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, 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 meeting, confer privately with the employee, but not answer questions on their behalf.

### ***3.8 Hearing Panels***

The SLCC advise that councils establish hearing panels to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

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### **3.9 Confidentiality**

So far as is reasonably practicable, the council will keep any grievance or complaint of harassment confidential between the manager or Member investigating the grievance or 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.

### **3.10 Record Keeping**

In all cases, written records of the nature of the grievance raised, the employer'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.

### **3.11 Grievances raised during Disciplinary**

In some circumstances when a disciplinary process has commenced an employee chooses to exercise their right to raise an internal grievance about the employment relationship with the council or individual Members.

The SLCC recommends, 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. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently, but SLCC would advise caution and specialist advice should be sought if this arises.

A grievance cannot be raised about properly enacted disciplinary action.

## **4. MONITORING AND REVIEW OF THIS POLICY**

The Executive Officer shall be responsible for reviewing this policy annually to ensure that it meets legal requirements and reflects best practice.