



GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its members of staff by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for members of staff to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Most problems can be raised and settled during the course of everyday working relationships. Members of staff should aim to settle most grievances informally but may call upon their line manager which is usually the Clerk. If the grievance relates to the Clerk then informal assistance should be sought from a member of the Personnel Committee.
3. This policy confirms:
 - Members of staff 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 member of staff, address the meeting against the member of staff's wishes or prevent the member of staff from explaining their case.

- The Council will give members of staff reasonable notice of the date of the grievance/appeal meetings. Members of staff and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the member of staff 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 member of staff and the Council.
- A member of staff has the right to appeal against the grievance decision. The appeal decision is final.
- Information about a member of staff'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 member of staff. The member of staff'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 for example takes account of a member of staff's medical condition.
- If a member of staff 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 will be taken against a member of staff 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 have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Members of staff can use all stages of the grievance procedure in relation to their fellow members of staff. Members of staff can use the informal stage of the Council's grievance procedure (paragraph 4) to deal with a grievance issue relating to a Councillor. Members of staff cannot use the formal stages of the Council's grievance procedure in relation to a Councillor. If the complaint about the Councillor is not resolved at the

informal stage or the nature of the complaint is more serious than the remit of an informal resolution then the member of staff should contact the Monitoring Officer of Newark and Sherwood District Council. They will inform the member of staff whether or not the complaint can be dealt with under the Code of Conduct. If it does not concern the Code of Conduct, the member of staff can make a formal complaint under the Council's grievance procedure (see paragraph 5). If the complaint falls under the Code of Conduct then in accordance with best practice 11 of the Code of Conduct: formal standards complaints about the conduct of a Councillor towards a member of staff should be made by the Chairman or by the Council, rather than the member of staff in all but exceptional circumstances.

- If the grievance is a Code of Conduct complaint against a Councillor, the member of staff cannot proceed with it beyond the informal stage of the Council's grievance procedure. Whatever the nature of the complaint, the Council has a duty of care to its members of staff. It must take all reasonable steps to ensure members of staff have a safe working environment, for example by undertaking risk assessments, by ensuring members of staff and Councillors are properly trained and by protecting members of staff from bullying, harassment and all forms of discrimination.
- If a member of staff considers that the grievance impacts their safety within the working environment, whether or not it also concerns a complaint against a Councillor, the member of staff should raise these safety concerns with their line manager which is usually the Clerk. If the member of staff lodging the grievance is the Clerk then they should raise their safety concerns with the Chairman or a Councillor from the Personnel Committee. The Council will need to 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

4. Where appropriate, the harmony of Council and its members of staff can be restored if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the member of staff should raise it with their manager which is usually the Clerk to see if an informal solution is possible. If

the grievance relates to the Clerk then the member of staff should contact a Councillor from the Personnel Committee. If the member of staff raising a grievance is the Clerk then they should speak with the Chairman or a Councillor from the Personnel Committee.

If the member of staff's complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the member of staff's and the Councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the member of staff's complaint is not one that should be dealt with as a Code of Conduct complaint (see above), the member of staff may submit a formal grievance. It should be submitted in writing to a Councillor from the Personnel Committee.
6. The Personnel Committee will appoint a Personnel sub-committee of three Councillors to hear the grievance. The Personnel sub-committee will appoint a Chairman from one of its members. No Councillor with direct involvement in the matter or a Councillor from the Personnel Committee shall be appointed to the Personnel sub-committee.

If a Personnel sub-committee cannot be appointed then the Council may seek and secure external independent professionally qualified assistance to act in the Personnel sub-committee's place.

Investigation

7. If the Personnel sub-committee decides that it is appropriate, (e.g. if 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 (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The Investigator will be independent and will normally be a Councillor. If the Personnel sub-committee considers that there are no Councillors who are independent (for example, because there is a direct involvement in the complaint), it will appoint someone from outside the Council.

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

Notification

10. Within 10 working days of the Council receiving the member of staff's grievance (this may be longer if there is an investigation), the member of staff will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- The names of its Chairman and other members.
- The date, time and place for the meeting. The member of staff will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance. If the meeting date is going to fall outside of the 25 working days then the member of staff will be kept informed.
- The member of staff'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.
- Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the member of staff's behalf and that the member of staff should provide the names of their witnesses as soon as possible before the meeting.
- Confirmation that the member of staff will provide the 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 member of staff to request any adjustments to be made for the meeting (for example where a person has a health condition).

The grievance meeting

11. At the grievance meeting:
 - The Chairman will introduce the members of the Personnel sub-committee to the member of staff.

- The member of staff (or companion) will set out the grievance and present the evidence.
 - The Chairman will ask the member of staff questions about the information presented and will want to understand what action do they wants the Council to take.
 - Any member of the Personnel sub-committee and the member of staff (or the companion) may question any witness.
 - The member of staff (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 Investigator or the Personnel sub-committee.
12. The Chairman will provide the member of staff with the Personnel sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the member of staff of the action, if any, that the Council will take and of the member of staff's right to appeal.

The appeal

13. If a member of staff decides that their grievance has not been satisfactorily resolved by the Personnel sub-committee, they may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within five working days of the member of staff receiving the Personnel sub-committee's decision and must specify the grounds of appeal.
14. 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 Personnel sub-committee was inadequate/inappropriate.
 - New evidence has come to light since the grievance meeting.
15. Council will have exhausted its own Councillor resource by the time of any appeal. Therefore, it may seek and secure external independent professionally qualified assistance to act as the appeal panel. The appeal panel will appoint a Chairman from one of its members.

16. The member of staff will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The member of staff will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.
17. At the appeal meeting, the Chairman will:
 - Introduce the panel members to the member of staff.
 - Explain the purpose of the meeting, which is to hear the member of staff's reasons for appealing against the decision of the Personnel sub-committee.
 - Explain the action that the appeal panel may take.
18. The member of staff (or companion) will be asked to explain the grounds of appeal.
19. The Chairman will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
20. The appeal panel may decide to uphold the decision of the Personnel sub-committee or substitute its own decision.
21. The decision of the appeal panel is final.

Recommended by the Personnel Committee: AA BBBB YYYY

Adopted by Council: XX YYYYYY ZZZZ

© NALC 2019