

# Fairlight Parish Council

## GRIEVANCE POLICY AND PROCEDURE

### 1. Introduction

1.1 The Parish Council recognises the need for a fair, speedy and consistent process for any employee of the Council to raise a grievance in connection with their employment and will seek to resolve any matters arising from such a procedure.

1.2 A grievance is a formal expression of an employee's dissatisfaction with some aspect of their employment with the Council. In order to assist in the maintenance of good staff relations the Council has adopted the following procedures which aim to give clear guidance on the grievance process. The Council will always try to settle a grievance as quickly as possible.

1.3 Examples of grievance include:

- Disagreement about a contract
- Treatment by a manager
- Failure to allow a normal entitlement (e.g. leave)
- Bullying/Harassment
- Discrimination

The list is not exhaustive.

### 2. Informal stage

2.1 An employee must first raise their grievance verbally or in writing with the Clerk of the Council. If the grievance is brought by the Clerk this must first be raised verbally or in writing with the Chairman of the Council. The person approached will attempt to resolve the matter by informal discussion and respond to the employee as soon as possible, within five working days at a maximum. The response to a written request will be in writing and a copy kept by the respondent, who will also keep a note of any verbal grievance aired and response given.

2.2 In the event that a grievance is against the Clerk an employee may raise the matter informally with the Chairman who will attempt to resolve the matter and communicate his response in writing to the parties concerned.

2.3 It is expected that most grievances will be resolved at the informal stage and it may be necessary to repeat the procedure to reach a satisfactory conclusion for all concerned.

2.4 Where it becomes evident that the matter cannot be resolved informally, an employee can instigate the formal stage.

### 3. Formal stage

3.1 In the event that the informal procedure has not resolved the issue, and the employee wishes to pursue the formal grievance procedure, they will need to state their grievance in a letter to the Chairman. In addition to stating the grievance the letter should indicate why any formal discussions have not been satisfactory, and, ideally, indicate what remedy is being sought since this will help the Council address the issue. Where the interpersonal relations between a member of staff and the Parish Clerk give rise to the grievance then the matter

should be referred immediately by the Chairman for consultation with two other members of the Parish Council.

3.2 If the grievance is made by the Parish Clerk the letter should be referred by the Chairman to three members of the Council.

3.3 Where it is appropriate to respond in writing, this should be done within 10 working days.

3.4 If it is not possible to deal with the matter in writing or the employee is dissatisfied with the reply, a formal meeting should be arranged. At this meeting the employee has the right to be accompanied by a representative of the trade union to which they belong (who may or may not be a work colleague), or by a work colleague, friend or adviser not acting in a legal capacity. The employee should advise the Council who their representative is to be. Whilst the representative can speak at the meeting and ask questions, he or she cannot answer questions for the employee. The meeting will be conducted in accordance with the hearing procedure outlined in section 4.

3.5 There are likely to be 3 possible outcomes:

- The grievance will be fully upheld;
- The grievance will be partially upheld;
- The grievance will not be upheld and there will be no further action.

Should the grievance be upheld/partially upheld then a remedy will be considered and put forward as part of the outcome. Whatever is finally agreed between the Council and the employee should be recorded in writing.

3.6 The employee can appeal against the outcome of a grievance meeting. To do so they should write to the Chairman within 10 working days of the written statement stating their grounds for appeal.

3.7 The Chairman will then arrange an appeal meeting within 20 working days of receiving the appeal with two Members who have not previously been involved directly in the Grievance Process; the aggrieved employee and the aggrieved employee's representative (if the employee so wishes).

3.8 The decision of the Council will be confirmed in writing to the employee within 5 working days. This appeal is the final level of consideration within the Council.

3.9 The time limits referred to in this grievance procedure may, by mutual agreement, be modified by all parties involved at that particular stage. The employer shall provide an individual to take notes of all meetings or hearings attended by parties involved in the Procedure. Fairlight Parish Councillors are not permitted to act as an employee's representative.

#### **4. Hearing procedure**

4.1 All hearings will be held in private.

4.2 The Council shall appoint at least three members to hear unresolved grievances.

4.3 The aggrieved employee and their representative (if any) should be given notice at least 15 working days in advance of the time and place of the hearing. They should present their case in writing or have it put by their representative or present it jointly with their representative. They have the right to call witnesses and produce documents relevant to the

case. It will be the Council's responsibility to organise the attendance of witnesses. In order to make suitable arrangements, the parties appearing at the hearing should inform the Chairman of the names and contact details of witnesses intended to be called. Witnesses will remain in attendance at the hearing only if expressly required to do so by the Council. The Council may resolve to extend or adjourn the hearing.

4.4 The Council may also call witnesses.

4.5 The Council will have the opportunity to ask questions of the aggrieved employee and any witnesses whom they may have called.

4.6 The Council will put their case and call witnesses in the presence of the aggrieved employee and their representative.

4.7 The aggrieved employee (or their representative) will have the opportunity to ask questions of the Council and any witnesses they may call.

4.8 Council Members will have the opportunity to ask questions in general.

4.9 The aggrieved employee (or their representative) and then the Council will have the opportunity to sum up their case if they so wish.

4.10 The aggrieved employee and their representative and any witnesses will then withdraw.

4.11 The Council will deliberate in private (with the Parish Clerk – if appropriate - and/or any other advisers), recalling the aggrieved employee only to clear up points of uncertainty on evidence given already.

4.12 The Council will announce its decision to the aggrieved employee orally at the end of the hearing, or adjournment thereof, and will confirm the decision in writing within 5 working days.

Adopted: 23<sup>rd</sup> June 2020