



Grievance Policy

Responsibility: Personnel committee

Review Cycle: Every two years, or earlier in the event of legislative changes

<u>Date of Adoption / Renewal</u>	<u>Resolution Number</u>
19 March 2013	6731
17 March 2015	
21 February 2017	7996
15 October 2019	8899
14 April 2021	9336
7 th March 2023	10058

GRIEVANCE POLICY

1. Introduction

- 1.1 This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the council and its staff members by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for staff members 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.
- 1.2 Many problems can be raised and settled during the course of everyday working relationships. Staff members should aim to settle most grievances informally with their line manager.
- 1.3 This policy confirms:
- 1.3.1 Staff members have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the staff member's case for their grievance/appeal and to confer with the staff member. The companion cannot answer questions put to the staff member, address the meeting against the staff member's wishes or prevent the staff member from explaining their case.
 - 1.3.2 The council will give staff members reasonable notice of the date of the grievance/appeal meetings. Staff members and their companions must make all reasonable efforts to attend. If the staff member's companion is not available for the proposed date of the meeting, the staff member can request a postponement and can propose an alternative date that is within five working days of the original meeting date
 - 1.3.3 Any changes to specified time limits must be agreed by the staff member and the council
 - 1.3.4 A staff member has the right to appeal against the decision about their grievance. The appeal decision is final
 - 1.3.5 Information about a staff member'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 staff member. The staff member's grievance records will be held by the council in accordance with the Data Protection Act 1998
 - 1.3.6 Recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of a staff member's medical condition
 - 1.3.7 If a staff member who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
 - 1.3.8 If a grievance is not upheld, no disciplinary action will be taken against a staff member if they raised the grievance in good faith
 - 1.3.9 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 councils and the staff member's consent.

2. Informal grievance procedure

2.1 The council and its staff members benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the staff member should raise it with their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the staff member does not want to discuss the grievance with their manager (for example, because it concerns the manager), the staff member should contact the Clerk (in the first instance) or the chairperson of the personnel committee or Town Mayor or, if appropriate, another member of the personnel committee.

2.2 Should a grievance be made against the Clerk and it is not possible to resolve the grievance informally it should be received by the Chair of Personnel or the Deputy Mayor.

2.1 Where the grievance concerns the misconduct/breach of the Code of Conduct of a Member, and it is not possible to resolve the grievance informally with their line manager, the staff member will be advised that if they wish they can lodge a formal complaint with the Monitoring Officer at Wealden District Council, who will lead an investigation in any allegations made.

3. Formal grievance procedure

3.1 If it is not possible to resolve the grievance informally, the staff member may submit a formal grievance. It should be submitted in writing to the Clerk (in the first instance) followed by the chairman of the Personnel committee or Town Mayor.

3.2 The Personnel committee will appoint a sub-committee of three members to investigate the grievance. The sub-committee will appoint a chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

4. Investigation

4.1 Within 10 working days of the council receiving the staff member's grievance, the staff member will be asked, in writing, to attend a grievance meeting. The sub-committee's letter will include the following:

4.1.1 The names of its chairman and other members

4.1.2 A summary of the staff member's grievance based on their written submission

4.1.3 The date, time and place for the meeting. The staff member will be given reasonable notice of the meeting which will be within 25 working days of when the council received the grievance

4.1.4 The staff member's right to be accompanied by a workplace colleague, a trade union representative or a trade union official

4.1.5 A copy of the council's grievance policy

- 4.1.6 Confirmation that, if necessary, witnesses may attend on the staff member's behalf and that the staff member should provide the names of their witnesses at least five working days before the meeting
- 4.1.7 Confirmation that the staff member will provide the council with any supporting evidence at least five working days before the meeting

5. The grievance meeting

5.1 At the grievance meeting:

- 5.1.1 The chairman will introduce the members of the sub-committee to the staff member
- 5.1.2 The staff member (or companion) will set out the grievance and present the evidence
- 5.1.3 The chairman will ask the staff member what action they want the council to take
- 5.1.4 Any member of the sub-committee and the staff member (or the companion) may question any witness
- 5.1.5 The staff member (or companion) will have the opportunity to sum up the case
- 5.1.6 The chairman will provide the staff member with the sub-committee's decision, in writing, within five working days of the meeting. The letter will notify the staff member of the action, if any, that the council will take and of the staff member's right to appeal.

5.2 A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee

5.3 If after a full investigation, the sub-committee has grounds to believe that the grievance was brought by a staff member with malicious intent, or is deemed vexatious in nature, they may make a recommendation to invoke the council's disciplinary policy in relation to the complaint.

6 The appeal

6.1 If a staff member decides that their grievance has not been satisfactorily resolved by the 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 staff member receiving the sub-committee's decision and must specify the grounds of the appeal.

6.2 Appeals may be raised on a number of grounds, e.g.:

- 6.2.1 A failure by the council to follow its grievance policy
- 6.2.2 The decision was not supported by the evidence
- 6.2.3 The action proposed by the sub-committee was inadequate/inappropriate
- 6.2.4 New evidence has come to light since the grievance meeting

6.3 The appeal will be heard by a panel of three members of the Personnel committee who have not been involved in the case. There may be insufficient members of the Personnel committee who have not previously been involved. If so, the appeal panel will be a committee of three council members who may include members of the Personnel committee. The appeal panel will appoint a chairman from one of its members.

6.4 The staff member will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the council's receipt of the appeal. The staff member will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.

6.5 At the appeal meeting, the chairman will:

6.5.1 Introduce the panel members to the staff member

6.5.2 Explain the purpose of the meeting, which is to hear the staff member's reasons for appealing against the decision of the Personnel sub-committee

6.5.2 Explain the action that the appeal panel may take

6.6 The staff member (or their companion) will be asked to explain the grounds of their appeal.

6.7 The chairman will inform the staff member that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

6.8 The appeal panel may decide to uphold the decision of the Personnel sub-committee or substitute its own decision.

6.9 The decision of the appeal panel is final.