



Elton Parish Council

Grievance Policy

This policy is supplemental to, and does not in any way override, the Parish Council standing orders and/or Financial Regulations.

This policy was adopted by the full parish council at its meeting on 14 October 2024 (minute 24.83).

This policy will be reviewed bi-annually.

1. Introduction

1.1 Whilst it is always in the best interests of all employees and councillors of the Parish Council to work harmoniously to achieve the aims of the council, there may be occasions when, for whatever reason, harmony is disrupted and the need for a procedure for raising a grievance occurs. This document sets out how the Parish Council will deal with such grievances raised by an employee.

2. Scope

2.1 This policy is applied when an employee is unhappy about an aspect of their work or employment conditions or their relationship with their work colleagues or councillors.

2.2 In relation to complaints against individual councillors, all stages of the grievance procedure apply if the complaint is not a code of conduct complaint about an individual councillor.

2.3 Following a judgement in a case known as The Ledbury case, this policy is applied, at the informal stage, for a concern that an employee may have with regard to an individual councillor. If this complaint is not resolved at the informal stage, then the employee must contact the Monitoring Officer who will determine if the complaint can be raised under the Code of Conduct Procedure. This policy does not apply at the formal stage if the complaint is a code of conduct complaint against a councillor.

2.4 The Disciplinary Procedure is followed when the Parish Council has a concern about an employee.

2.5 The Complaints Procedure is applied when a member of the public wishes to raise a concern about an employee, a councillor or the council as a body.

2.6 Employees should be aware that they cannot raise a grievance that is the same or similar to a grievance that has been investigated within the previous 12 months unless any action to redress the grievance has not been implemented.

3. Legal Framework

3.1 This policy is based on and complies with the 2015 ACAS Code of Practice and takes account of the ACAS guide on discipline and grievances at work. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

4. Definitions

4.1 A grievance is a concern, problem or complaint raised by an employee with their employer regarding their work, working conditions or relationships with colleagues.

4.2 It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance but some of the more common types are listed below.

4.3 General work issues: issues regarding terms and conditions of employment, health and safety, working practices or working relationships.

4.4 Bullying: behaviour that is offensive, intimidating, malicious, insulting, and the misuse of power, that creates working conditions or an environment that is hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about.

4.5 Harassment: unwanted behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Employees can complain of behaviour they find offensive even if it is not directed at them.

Harassment differs from bullying in that it specifically refers to unwanted behaviour in relation to a protected characteristic. (For more information see Equality Policy).

4.6 Victimization: where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against or in some other way intimidating them. (For more information see Whistle Blowers Policy).

4.7 It is important to remember that in all instances, it is not what may have been intended by the perpetrator that is important in deciding whether unacceptable behaviour has occurred; it is whether the actions and comments can objectively be viewed as demeaning and unacceptable to the person making the complaint.

5. Dissemination and Training

5.1 The council will issue this policy to all employees as part of their induction, to councillors and the policy will be available on the Parish Council website.

6. Monitoring and review

6.1 The council will take the opportunity whenever the policy has been applied to examine the policy, procedures and working methods to see if they can be improved.

6.2 A review of the policy shall be undertaken bi-annually; necessary amendments will be advised by the Clerk, reviewed by the Employment Committee and reported to the council for approval.

6.3 Changes in the law will be monitored and, if necessary, amendments/reviews made to the policy.

7. Procedure

7.1 Informal grievance procedure

7.1.1 Where an employee has concerns about the behaviour of an individual, they should tell them that their behaviour is causing concern or offence, explain the effect that it is having on them and that it must stop. The individual may not be aware that their actions cause offence to others and once it is highlighted this may resolve the situation.

7.1.2 The matter could also be raised with the Clerk, as line manager, or, if the concern is about the Clerk, with the Chair of the Parish Council or with a councillor who is a member of the Staffing Committee.

7.1.3 If the matter is not resolved informally or if there are specific circumstances that make the informal route inappropriate, the formal grievance procedure should be followed.

7.2 Formal grievance procedure

7.2.1 The matter, concern or complaint should be made in writing to the Clerk, or where the matter is regarding the Clerk, to the Chair of the Parish Council or a councillor who is a member of the Staffing Committee.

7.2.2 Upon receipt of the written complaint, the Staffing Committee will appoint a sub-committee of three members to consider 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.

7.3 Investigation

7.3.1 If the 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).

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

7.4. Grievance meetings

7.4.1 Employee raising the grievance

The Investigator will arrange a meeting with the employee raising the grievance to discuss the issues in more detail within **ten working days** of the written complaint being received.

The employee is entitled to be accompanied at the meeting by a trade union representative or a work colleague. The individual accompanying the employee must be someone whose presence would not prejudice the meeting or who does not have a conflict of interest. If the person accompanying the employee cannot attend on the date suggested, the Investigator should suggest another date, not more than **five working days** after the original date. This time limit may be extended by mutual agreement.

7.4.2 The purpose of the meeting is to:

- clarify the nature of the grievance;
- identify what further information is needed;
- discuss the employee's proposals for resolving the issues; and
- establish if a longer timescale will be necessary.

7.4.3 At the end of the meeting the Investigator should give the employee an indication of when they might reasonably expect a response to the grievance. If the Investigator feels that a response cannot be provided within 30 working days, bearing in mind any additional investigations they feel may be necessary, an extension to the timescales should be agreed. Where unavoidable delays occur, e.g. due to annual leave or sickness, the Investigator should contact the employee, in writing, to agree revised timescales and to provide an update on the progress of the investigation.

7.4.4 Employee who is the subject of grievance

Where a grievance is raised against another employee, it is important to approach the situation sensitively and carefully. The Investigator will start by talking privately to the employee to alert them to the fact that a concern has been raised by a fellow employee.

7.4.5 Following this, the employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

7.4.6 During the grievance investigation meeting, the Investigator will explain the allegation(s) that have been made against the employee and will provide them with an opportunity to put forward their understanding of the situation.

7.4.7 Witnesses

In some circumstances, the Investigator will be required to interview witnesses. The employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

Every effort should be made to avoid disclosing any confidential information unnecessarily, however, the Investigating Officer cannot give an unqualified commitment to maintain the confidentiality of a witness.

7.4.8 Final grievance meeting

To conclude the investigation, the Investigator will arrange a final meeting with the employee who raised the grievance. The purpose of this meeting is to:

- outline the key points of the investigation i.e. who has been interviewed;
- clarify that all areas of the grievance agreed in the initial meeting have been covered;
- allow the employee the opportunity to highlight any areas they feel have not been sufficiently investigated; and
- allow the employee the opportunity to respond to any key issues that have come up during the investigation that were not covered at the initial meeting.

8. Responding to the grievance

Once the Investigator feels they have all the necessary facts and evidence to enable them to make a decision, they will compile a report summarising their findings to establish the outcome.

9. Outcomes

9.1 The list below is not exhaustive, but gives some examples of the possible outcomes of a grievance investigation.

9.2 Grievance not upheld

Where insufficient evidence to support any of the allegations made, the grievance will not be upheld and there will be no further action taken.

9.3 Grievance upheld (either in whole or in part)

Where insufficient evidence to support all or some of the allegations made, there are a number of outcomes to consider in relation to each allegation:

- no further action;
- formal mediation - mediation may be suggested as an outcome as a way to resolve the grievance;
- action plan - aimed to address the behaviour which has caused the problem. The action plan may include objectives, target setting and training;
- disciplinary action - where it is clear that a conduct issue exists and there is a case to answer, disciplinary action may be considered. Further information can be found in the Disciplinary Policy.

10. Communicating the outcome

10.1 A written response should be sent to the employee, summarising the outcome of the grievance investigation. The employee should also receive a copy of the investigation report. It may be appropriate to arrange a meeting with the employee to talk through the findings and explain how they reached their decision.

10.2 If the grievance was raised against another employee, that employee should receive a letter detailing the outcome of the investigation. The full report should **not** be sent to the employee whom the grievance was raised against.

10.3 If the grievance was upheld and further action is required e.g. implementation of an action plan or disciplinary action, the employee's manager should be notified as soon as possible.

11. The appeal

11.1 Submitting an appeal

If an employee decides that their grievance has not been satisfactorily resolved, a written appeal can be submitted to the Staffing Committee within ten working days of the decision. The written appeal should specify the grounds of appeal.

11.2 Grounds for appeal

Appeals may be raised on a number of grounds:

a failure by the Council to follow its grievance policy

the decision was not supported by the evidence

the action proposed by the sub-committee was inadequate/inappropriate

new evidence has come to light since the grievance meeting.

11.3 Appeal Hearing

11.3.1 The appeal will be heard by a panel of three members of the Staffing Committee who have not previously been involved in the case. If there are insufficient members of the Staffing Committee who have not previously been involved, the appeal panel will be a committee of three Council members who may include members of the Staffing Committee. The appeal panel will appoint a Chairman from one of its members.

11.3.2 The employee will be notified, in writing, usually within ten 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 employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

11.3.3 The appeal meeting will consider the employee's reasons for appealing the original decision and will either decide to uphold the original decision or substitute a decision of its own, having considered those reasons brought by the employee. The decision of the appeal panel is final.

12. Other types of grievance

12.1 Collective grievances

The provisions within the Employment Act 2002 (Dispute Resolution) Regulations 2004 allow grievances to be dealt with collectively where more than one employee has the same grievance:

- the parties will be treated as having complied with the relevant grievance procedure if the grievance is raised in writing on behalf of at least two employees (including the complaining employee) by an 'appropriate representative'; and
- the 'appropriate representative' is defined as an official of an independent trade union recognised by the employer for the purpose of collective bargaining or an employee of that employer who was elected or appointed to represent employees and has authority to do so under an established procedure to resolve grievances.

12.2 Post-employment grievances

This procedure applies where an employee has ended their employment with the Council and the Council was either not aware of the grievance before their employment ended or were aware but the formal procedure had not been started before the employment ended.

The former employee should put their grievance, in writing within 3 months of the effective date of termination, to the Clerk. Where the grievance relates to the Clerk, it should be put to the Chair of the Parish Council or a councillor who is a member of the Staffing Committee. The Parish Council must investigate the grievance, although there is no requirement to meet with the former

employee, and should respond, in writing, within 10 working days of receiving the grievance. In this circumstance there is no hearing or right of appeal.

Author	Review Date	Date of Adoption	Minute reference
Lara Jacob	October 2026		