



# BITTON PARISH COUNCIL

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## **Grievance Policy**

It is the policy of the Council to try to resolve grievances informally in the first instance – often a quiet word may be all that is needed. However, when it is not possible or appropriate to resolve the matter informally, the formal grievance procedure set out in paragraphs 3 to 9 below will be used.

### 1. What is a grievance?

Grievances are concerns, problems or complaints that employees raise with their employers. Issues that may give rise to grievance include:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- changes to working practices
- changes to the working environment
- lack of reasonable adjustments needed by disabled employees
- organisational changes
- discrimination

2. Grievances may occur at all levels. A written procedure can help clarify the process and promote transparency and fairness. It also helps to ensure that employees are aware of their legal rights.

## **The Initial Procedure**

3. The employee should put the details of his/her grievance in writing to the Chair without unreasonable delay. The next stage is for the Chair and the employee to hold a meeting to discuss the grievance and attempt to resolve it informally. Where the grievance is a complaint about a duty owed by the Council to the employee, irrespective of whether the duty arises from statute or common law e.g. the Council is in breach of legislation or the Council is not honouring the employee's contract of employment, the employee has a statutory right to be accompanied at this meeting by a companion.

4. To exercise the right to be accompanied, the employee must notify the Council. The chosen companion may be a fellow worker, a certified trade union representative or an official employed by a trade union (e.g. a solicitor). It is not relevant whether or not employee is a member of the trade union or whether or not the trade union is recognised by the Council. What is reasonable will depend on the circumstances of the case. However, it would not be considered reasonable for the companion to be a person whose presence would prejudice the outcome of consideration of the grievance or who might have a conflict of interest.

5. The companion should be allowed to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. They do not however have the right to answer questions on behalf of the employee, address the meeting if the employee does not wish it or prevent the Clerk from explaining the Council's case.

6. There may also be occasions when it would be appropriate to allow an employee to be accompanied at a grievance meeting when the employee does not have the legal right to be accompanied. For example it might be appropriate for a support worker or advocate with specialist knowledge of an employee's disability and its effects to attend.

### **The Formal Procedure**

If the meeting with the Chair is unable to resolve the grievance, then the council will appoint a panel of 3 councillors, who will meet with the employee, hear their grievance and decide on what action the council will take.

7. The meeting will be adjourned before any decision is taken by the Council as to how to deal with the employee's grievance. This will allow time for reflection and proper consideration by the Council. It will also allow time for any further investigation necessary to be undertaken. The Council will notify the employee in writing of its decision and will set out clearly in writing any action that is to be taken. The Council will also set out clearly in writing the employee's right of appeal if a grievance is not upheld and will provide a proper explanation of the reasons for its decision.

### **The Appeal Process**

8. Employees have the right of appeal if they feel that their grievance has not been satisfactorily resolved. Where however the decision on an employee's grievance has been taken by the Council and relates to a failure to comply with contractual or statutory obligations on the part of the Council, the employee may prefer to exercise his/her right to take the matter to an Employment Tribunal.

9. In other cases the matter will be heard by a panel consisting of three Chairs of Committees of the Council or if there are insufficient Committee Chairs in post, three ordinary members of the Council who did not hear the grievance at the first hearing. The employee may have the right to be accompanied at an appeal hearing and the procedure set out in paragraphs 3 to 6 above shall apply accordingly. The panel's decision shall be final and will be communicated to the employee in writing within 7 days of the date of the appeal hearing. This communication shall explain the reasons for the panel's decision.

Date of Issue – September 2021

Reviewed – 10 October 2023

Date of Next Review – October 2025