



Brixworth Parish Council

Grievance Procedure

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1 Introduction

All staff will be issued with Brixworth Parish Council's (the Council) Grievance Procedure in writing.

The 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.

Employees should be encouraged to raise issues informally. This may solve the problem quickly, and protect good working relations. However, if this informal approach does not work, then the employee must formally raise the grievance. The Council is then required to participate in the grievance procedure as defined below.

It is a requirement that all paperwork associated with the matter of a Grievance Hearing is kept under the Confidential Information classes of both the Data Protection Act 1998 and the Freedom of Information Act 2000. The public or other members of the organisation without a specific need to know shall not have access to them. A copy of the records of the proceedings and the result should be given to the employee.

2 Definition of a grievance

A grievance is defined as some action that the employer or a colleague has taken or proposes to take which affects him or her, and which the employee considers has been taken for some reason that is not connected with the way he or she is doing the job.

Actions which are part of normal workplace procedures such as warnings and paid suspensions can be the subject of grievance procedures as can behavior by colleagues. Dismissal, however, cannot be the subject of a grievance.

3 The Grievance process

3.1 Standard procedure

3.1.1 Process overview

The standard four-step grievance procedure applies to almost all grievances (see the following section for exceptions).

The four steps are:

- 1 The written statement
- 2 The hearing
- 3 The Response
- 4 The appeal meeting

3.1.2 The written statement

Wherever possible, any grievance should be raised informally with the employee's line manager or if this is inappropriate with the next level of management. However if the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing. In the case of the Clerk to the Council raising a grievance this should be directed to the Chair of the council unless the complaint is about the Chair in which case another member can be identified to handle the Clerk's concerns. The employee must set out his/her grievance in writing and send a copy to the Council.

3.1.3 The hearing

The Council must invite the employee to a hearing to discuss the grievance. The Council should not delay the hearing unreasonably but give should ensure that it has time to look into the background to the grievance and check what action has been taken in similar cases.

The hearing should be at a reasonable time and location and the employee has a duty to attend. The employee has a right to be accompanied by a colleague or employee official. (Clarification to the role of the companion at such hearings, made by the new Employment Relations Act 2004, came into force on 1 October 2004).

If the employee or the companion is disabled the Council should take all reasonable steps to ensure that they have no problems participating fully in the hearing.

3.1.4 The Response

The hearing manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem.

3.1.5 The appeal meeting

If the employee is still dissatisfied, he or she should tell the Council that he

or she wishes to appeal against the decision or lack of one. The Council must arrange a meeting to discuss the appeal. If possible a Councilor should hold the appeal meeting where the grievance meeting was held by the Clerk to the Council. Where a Councilor held the grievance meeting another Councilor shall, if possible, hold the appeal

After the meeting the Council should tell the employee of their decision, making it clear that it is final.

3.2 Modified procedure

3.2.1 Applicability of the modified procedure

In general, the standard grievance procedure will apply even after the employee has left the Council. However there is a shorter procedure that can be used when the aggrieved employee is no longer working for the Council and both parties agree in writing that it should apply; or it is not reasonably practicable for one or other party to carry out the standard procedure. For example if one of them has left the country for an extended period.

3.2.2 Modified process overview

The two steps are:

1. The ex-employee sends a written statement of grievance to his the Council

2. The Council writes back to the ex-employee giving its response to the points raised.

4 When procedures do not apply

Disciplinary or dismissal action taken before 1 October 2004, even if the disciplinary action continues after that date. Nor will they apply where the grievance about which the employee is complaining occurred before 1 October, even if the grievance action continues after that date.

The procedures do not need to be completed if the grievance is of a 'collective' nature. The grievance is counted as collective if it is raised by a recognised trade union or a workplace representative on behalf of two or more employees.

The procedures will not apply when one party behaves in such a violent and unreasonable manner that the other party could not be expected to sit down with them and go through the procedures.

Finally there will be circumstances when factors beyond the control of either party mean that it is effectively impossible for the procedure to be gone through, for example if one of the parties concerned leaves the country or becomes seriously ill.

5 When disciplinary and grievance procedures overlap

Complications can arise when the employee feels that a disciplinary action is unfair or involves unlawful discrimination. It is very important that you carefully examine the case for any action to make sure that it is firmly based on the conduct or capability of the employee.

If the employee is dismissed for any reason, or subjected to some other action on conduct or capability grounds, and considers that you have acted unlawfully, he or she does not need to raise a separate grievance before being allowed to take you to an employment tribunal. But if the employee believes that disciplinary action, short of dismissal, was not genuinely based on conduct or capability, and/or that it involved unlawful discrimination, he or she would need to start a grievance procedure before being allowed to take you to tribunal.

In practice this should be less complicated than it looks. If you feel one of your employees deserves to be disciplined or dismissed and you are satisfied that your reasons are sound, then you should start the disciplinary proceedings by giving the employee the written statement and arranging the first meeting. If the employee feels that you are being unfair it is up to him or her to raise the matter in writing to you. This written statement can then be discussed at the first hearing or the appeal meeting. If the case then goes to a tribunal, the employee will not have disqualified himself or herself on the technical grounds that he or she failed to start a grievance procedure, and you will not have had to arrange two sets of meetings. The important thing is that the matter will have been properly discussed