



## **GRIEVANCE PROCEDURE**

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## Purpose of this policy and procedure

Most grievances can be resolved quickly and informally through discussion with the Clerk (or the Council in the case of the Clerk). If this does not resolve the problem, you should initiate the formal procedure set out below.

This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)).

This policy aims to encourage and maintain good relationships between you and the Council by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for you to raise your concerns, problems or complaints about your employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

This policy confirms that:

- you have the right to be accompanied at a grievance meeting or appeal by a companion who can be a workplace colleague, friend or a trade union representative. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present your case and to confer with you about your grievance/appeal. Your companion must not answer questions which are addressed to you directly, address the meeting against your wishes or prevent you from explaining your case yourself.
- the Council will give you reasonable notice of the date of the grievance/appeal meetings. You and your companion must make all reasonable efforts to attend. If your companion is not available for the proposed date of the meeting, you can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is reasonable to propose a later date. You should let the Council know as soon as possible and the Council will try, within reason, to agree your proposed alternative time.
- any changes to specified time limits must be agreed by you and the Chair of Staffing Committee.
- you have the right to appeal against the decision about your grievance.
- the appeal decision is final.
- information about your 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 treated as confidential. Your grievance records will be held by the Council in accordance with the Data Protection Policy.
- audio or video recordings of the proceedings at any stage of the Grievance Procedure are prohibited, unless agreed by all affected parties as a reasonable

- adjustment that takes account of a medical condition.
- if you are already subject to a disciplinary process and you raise a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
  - if a grievance is not upheld, no disciplinary action will be taken against you as long as you have raised the grievance in good faith.
  - 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 consent of the affected parties.
  - You can use the informal stage of the Council's Grievance Procedure to deal with all grievance issues, including a complaint about a Councillor. However, you are unable to use the formal stages of the Council's Grievance Procedure for a code of conduct complaint about a Councillor. If the complaint about the Councillor is not resolved at the informal stage, you can contact the monitoring officer of East Suffolk District Council who will inform you about whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, you can make a formal complaint under the Council's Grievance Procedure.
  - The council has a duty of care to its employees. It must take all reasonable steps to ensure that you have a safe working environment, for example by undertaking risk assessments, by ensuring staff and Councillors are properly trained and by protecting all staff from bullying, harassment and all forms of discrimination.
  - If you consider that your grievance concerns your safety within the working environment, whether or not it also concerns a complaint against a Councillor, you should raise these safety concerns with the Clerk (or the Council in the case of the Clerk) at the informal stage of the Grievance Procedure. The Council will consider whether it should take further action with regards to any of its policies (for example, its Health and Safety Policy or its Anti-bullying and Harassment Policy) and in accordance with the Council's code of conduct regime.

This is a non-contractual procedure which will be reviewed from time to time.

### **Scope of this policy**

This policy applies to all employees. It does not apply to Councillors, agency workers, consultants or self-employed contractors.

### **Informal grievance procedure**

It is beneficial to both yourself and the Council if grievances are resolved informally and as quickly as possible. As soon as a problem arises, you should raise it with the Clerk (or the Council in the case of the Clerk) to see if an informal solution is possible. Both should try to resolve the matter at this stage. If you do not feel comfortable discussing the grievance with the Clerk (or the Council in the case of the Clerk) (for example, because it concerns the Clerk), you should contact the Chair of the Staffing Committee or, if appropriate, another member of the Staffing Committee. If your complaint is about a Councillor, it may be appropriate to involve that particular Councillor at the informal stage however this will require both your and the Councillor's consent.

[Grievance Procedure](#)

[Approved: 19<sup>th</sup> July 2022](#)

[Reviewed: Annually](#)

## **Formal grievance procedure**

If it is not possible to resolve the grievance informally and your complaint is not one that should be dealt with as a Code of Conduct Complaint (see above), you may submit a formal grievance in writing to the Chair of the Staffing Committee.

Your grievance should set out the nature of the complaint including any relevant facts, dates, and names of individuals involved so that the Council can investigate it.

The Staffing Committee has established a Disciplinary/Grievance sub-committee (“the Sub-committee”) to hear grievances. 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.

## **Investigation**

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 is held to establish the facts of the case. The investigation may include interviews (e.g. with yourself, other employees, Councillors or members of the public).

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

## **Notification of grievance meeting**

Within 5 working days of the Council receiving your grievance (this may be longer if there is an investigation), you will normally be asked, in writing, to attend a grievance meeting. You should make every effort to attend.

The written notification will include the following:

- the names of the Sub-committee Chairman, other members, and any investigator.
- the date, time and place for the meeting. You will be given reasonable notice of the meeting which will normally be within 10 working days from when the Council receive the grievance,
- your right to be accompanied by a workplace colleague (who will be allowed reasonable paid time off from duties to act as your companion), friend, or a trade union representative and a request for you to inform the Council in advance of the meeting if you wish to bring a companion along with their name,
- a copy of the Council's Grievance Policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on your behalf and that you should provide the names of your witnesses as soon as possible before the meeting,
- confirmation that you will provide the Council with any supporting evidence in advance of the meeting, usually with at least two working days' notice,
- the report of the investigation if there has been an investigation prior to the grievance meeting, and
- an invitation for you to request any adjustments to be made for the hearing (for example, if you have a health condition).

## **The grievance meeting**

At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to you,
- you (or companion) will set out the grievance and present the evidence,
- the Chairman will ask you questions about the information presented and will want to understand what action you would like the Council to take,
- any member of the Sub-committee and you (or the companion) may question any witness,
- you (or companion) will have the opportunity to sum up the case, and
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Sub-committee, after which the meeting will usually be reconvened.

The Chairman will provide you with the Sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify you of the action, if any, that the Council will take and of your right of appeal.

## **The appeal**

If you decide that your grievance has not been satisfactorily resolved by the Sub-committee, you may submit a written appeal to the Appeals sub-committee of the Staffing Committee ("the Appeals Sub-committee"). An appeal must be received by the Council within five working days after the Sub-committee's decision was sent to you and you must specify your full grounds of appeal.

Appeals may be raised on a number of grounds such as the following non-exhaustive list:

- 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, or
- new evidence has come to light since the grievance meeting.

The appeal will be heard by the Appeals Sub-committee whose members will not have previously been involved in the case. There may be insufficient members of the Staffing Committee who have not previously been involved to create an Appeals Sub-committee. If so, the Appeals Sub-committee will be a committee of three Council members who may include members of the Staffing Committee. The Appeals Sub-committee will appoint a Chairman from one of its members.

You will be notified, in writing, usually within 5 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 10 working days of the Council's receipt of the appeal. You will have the right to be accompanied by a workplace colleague, friend or a trade union representative.

At the appeal meeting, the Chairman will:

- introduce the panel members,
- explain the purpose of the meeting, which is to hear your reasons for appealing against the decision of the Sub-committee, and
- explain the action that the appeal panel may take.

You (or companion) will be asked to explain the grounds of appeal.

You will receive the decision and the Appeals Sub-committee's reasons, in writing, within five working days of the appeal meeting.

The Appeals Sub-committee may decide to uphold the decision of the Sub-committee or it will substitute its own decision.

The decision of the Appeals Sub-committee is final.

Date of policy: [DATE]

Reviewed: Annually.