

Clerk: Mrs Sarah Rimell

Illogan Parish Council Community Office, Trevelyan Road, Illogan, TR16 4RG



Telephone: 01209 711433

Email: [enquiries@illoganparishcouncil.gov.uk](mailto:enquiries@illoganparishcouncil.gov.uk)

## Grievance Policy

### Introduction

1. This Policy is based on and complies with the 2015 ACAS Code of Practice [2015 ACAS Code of Practice](#). It also takes account of the ACAS guide on discipline and grievances at work.

#### [Discipline and Grievances at Work - The ACAS Guide](#)

2. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees 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.
3. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
4. This Policy confirms:
  - i. Employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. 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 the employee's case for the grievance and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.

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Minute Number: GR22/02/18.2

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- ii. The Council will give employees at least 10 working days' notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee or the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date. Where possible meetings will be held between the hours of 9am and 4pm.
- iii. Any changes to specified time limits must be agreed by the employee and the Council.
- iv. An employee has the right to appeal against the decision about the grievance. The appeal decision is final.
- v. Information about an employee'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 employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- vi. 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 an employee's medical condition.
- vii. If an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- viii. If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raises the grievance in good faith.
- ix. 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 affected parties.

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- x. If the grievance is against a Councillor, a Code of Conduct complaint can be raised. The grievance procedure cannot be used by employees about councillors.
- xi. If an employee considers that the grievance concerns his or her safety with the working environment, whether or not it also concerns a complaint against a Councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the Code of Conduct regime.

### **Informal Grievance Procedure**

The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their line manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their line manager (for example, because it concerns the manager), the employee should contact the Chairman of the Staffing Committee or, if appropriate, another member of the Staffing Committee. If the employee's complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the employee's and the Councillor's consent.

### **Formal Grievance Procedure**

If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a Code of Conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Staffing Committee.

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The Staffing Committee will appoint a Sub-Committee of three members to hear 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.

## **Investigation**

If the Sub-Committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator 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).

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

## **Notification**

Within ten working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), all parties involved in the grievance will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- i. The names of its Chairman and other members
- ii. The date, time and place for the meeting. The employee will be given at least 10 working days' notice of the meeting which will normally be within twenty-five working days of when the Council received the grievance
- iii. The employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- iv. A copy of the Council's Grievance Policy
- v. Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the

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names of their witnesses as soon as possible and at least two working days before the meeting

- vi. Confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- vii. Findings of the investigation if there has been an investigation
- viii. An invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition)

## **The Grievance Meeting**

At the grievance meeting:

- i. The Chairman will introduce the members of the Sub-Committee to the employee.
- ii. The employee (or companion) will set out the grievance and present the evidence.
- iii. Members of the Sub-Committee will ask the employee questions about the information presented and will want to understand what action they want the Council to take.
- iv. Any member of the Sub-Committee and the employee (or the companion) may question any witness.
- v. The employee (or companion) will have the opportunity to sum up the case.
- vi. A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Sub-Committee.

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

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## **The Appeal**

If an employee decides that their grievance has not been satisfactorily resolved by the Sub-Committee, they may submit a written appeal to the Staffing Committee. An appeal must be received by the Council within five working days of the employee receiving the Sub-Committee's decision and must specify the grounds of appeal.

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

- i. A failure by the Council to follow its Grievance Policy
- ii. The decision was not supported by the evidence
- iii. The action proposed by the Sub-Committee was inadequate/inappropriate
- iv. New evidence has come to light since the grievance meeting

The appeal will be heard by a panel of two members of the Staffing Committee and either the Chairman or Vice Chairman of the Council, who have not previously been involved in the case. There may be insufficient members of the Staffing Committee, the Chairman or Vice Chairman of the Council 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 Staffing Committee. The appeal panel will appoint a Chairman from one of its members.

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 twenty-five working days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.

At the appeal meeting, the Chairman will:

- i. Introduce the panel members to the employee

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- ii. Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Staffing Sub-Committee
- iii. Explain the action that the appeal panel may take

The employee (or companion) will be asked to explain the ground of appeal.

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

The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.

The decision of the appeal panel is final.

### **Reviewed – for Office use only**

**Review Date:** 22.03.23.

**Reviewed By:** Governance Review Committee.

**Amendments:** None.

**Minute Number:** GR23/03/17.2.

**Review Date:** 26.03.25.

**Reviewed By:** Governance Review Committee.

**Amendments:** None.

**Minute Number:** GR25/03/17.2.

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**Review Date:** 25.03.26.

**Reviewed By:** Governance Review Committee.

**Amendments:** Page 1 – item 4i – 3rd sentence – amend to read 'The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for the...'. Page 1 – item 4i – 4th sentence – amend to read 'The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their...'. Page 2 – numeral ii - 1st sentence – amend to read 'The Council will give employees at least 10 working days' notice of...'. Page 2 – numeral ii - 2nd sentence – amend to read 'If the employee or the...'. Page 2 – numeral ii - add sentence at end to read 'Where possible meetings will be held between the hours of 9am and 4pm.'. Page 2 – numeral iv – change 'his/her' to 'the'. Page 3 – delete bullet points x, xi and replace with and new numeral x to read 'If the grievance is against a Councillor, a Code of Conduct complaint can be raised. The grievance procedure cannot be used by employees about councillors.'. Page 2 – Informal Grievance Procedure – change all references to 'his/her' to 'their'. Page 4 – Notification – 1st sentence – amend to read 'Within ten working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), all parties involved in the grievance...'. Page 4 – Notification – numeral ii – 2nd sentence – amend to read 'The employee will be given at least 10 working days' notice...'. Page 4 – numeral v – amend to read 'Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of their witnesses as soon as possible and at least two working days...'. Page 5 – The Grievance Meeting – numeral iii – amend to read 'iii. Members of the Sub-Committee will ask the employee questions about the information presented and will want to understand what action they want...'. Page 6 – The Appeal – amend 'his/her' to 'their' and 'he/she' to 'they'. Page 6 – The Appeal – 2nd paragraph – 1st 2 sentences – amend to read 'The appeal will be heard by a panel of two members of the Staffing Committee and either the Chairman or Vice Chairman of the Council,

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who have not previously been involved in the case. There may be insufficient members of the Staffing Committee, the Chaiman or Vice Chairman of the Council...'.

**Minute Number:** GR26/03/20.2.