UPTON BY CHESTER AND DISTRICT



PARISH COUNCIL

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**UTPON BY CHESTER AND DISTRICT PARISH COUNCIL**

**GRIEVANCE POLICY**

Upton by Chester and District Parish Council is committed to providing all employees with the opportunity to air and seek redress for any individual employment grievance.

This policy describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee’s employment grievance.

1. Principles

At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.

Grievances will be dealt with promptly and consistently.

At all formal stages of the Grievance Hearing the employee will have the right to be accompanied by a Parish Council colleague or trade union representative; however, as this is an internal procedure they will not be entitled to be accompanied by any other external supporter such as a partner, parent or solicitor.

The companion will be allowed to address the Hearing Panel, put and sum up the employee’s case, respond to views expressed at the Hearing and to confer with the employee during the Hearing, but is not allowed to answer questions on the employee’s behalf, address the Hearing if the employee does not wish it or prevent the Council from explaining the case.

An employee will have the right to appeal against any outcome of a Grievance Hearing.

At no time will an employee be penalised or victimised for having raised a grievance against the Parish Council.

2. Procedure

Wherever possible, any grievance raised by either the clerk or any other member of staff should be discussed informally in the first instance. Staff should raise their grievance with the clerk or Chairman of the Parish Council; the clerk should raise her/his grievance with the Chairman of the Parish Council or the Chairman of the Employment Committee.

Following any grievance raised, an Employment Committee meeting will be called where the details will be reported.

All issues must be treated with discretion and confidentiality at all times.

2.1 If the grievance is not resolved informally, a written statement should be provided to the Chairman of the Employment Committee.

2.2 A Grievance Hearing will be held within a reasonable period of time e.g. five working days of receipt of a written complaint.

The Chairman of the Employment Committee will convene a Hearing Panel of three members of the Employment Committee and arrange a meeting with the employee.

The meeting will be arranged for a mutually convenient time, in a location where it can be confidential and free from interruptions.

The Hearing Panel will investigate the substance of the complaint and hear submissions from the employee, together with other submissions or evidence as he/she considers appropriate, along with details of the steps he/she feels are required to resolve the problem.

It may be necessary to adjourn the meeting in order that an investigation may take place.

Careful consideration of the evidence and the steps required to resolve the problem will be given by the Panel.

The employee may call witnesses by prior arrangement with the Hearing Panel.

There is no right for a Parish Councillor or employee implicated in an employee’s grievance to cross examine the aggrieved during the Hearing but the panel may wish to carry out an investigation by interviewing these individuals separately.

The Hearing Panel will ask the employee what he/she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

2.3 The Hearing Panel will advise the decision to the employee in writing within five working days and where appropriate, include an action plan to assist in the resolution of the problem.

3.3 If the employee is dissatisfied with the decision of the Employment Committee, he/she may appeal against the decision to the Chairman of the Parish Council or any other Councillor, by written notice within five working days of the decision.

An appeal may be raised if:

The employee thinks the finding or action is unfair.

New evidence has come to light.

The employee thinks that the procedure was not applied correctly.

3.4 In the event of an appeal being raised, the Chairman of the Parish Council shall convene an Appeals Panel of three different Parish Councillors and arrange a meeting with the employee, the Parish Councillors and any other persons concerned without delay.

The Appeals Panel shall consider the issues and take such steps as to resolve them. The decision of the Appeal Panel will be final.

The Parish Council will need to ensure that the Parish Councillors involved in the process are able to act impartially and reasonably at all times.

The outcome of the appeal should be conveyed to the employee in writing, in a timely manner.

3.5 If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the Chairman of the Employment Committee, the Chairman of the Parish Council or another Councillor, with an indication of the required action.

The complaint will be investigated and any action taken and any resolution achieved will be reported back.

If the solution is not satisfactory to the complainant, the matter will be discussed further and if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available the employee will be notified.

As a result of an investigation into a claim of harassment disciplinary action may be taken against the perpetrators. In the case of the alleged perpetrators being Parish Councillors, a Code of Conduct will be lodged by the Parish Council through the Standards process.

3.6 So far as is reasonable practicable, the Parish Council will keep any grievance or complaint of harassment confidential between the Parish Councillor investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made.

If it is necessary to investigate the matter with any other employee or person, the complainant will be advised.

3.7 In all cases written records of the nature of the grievance raised, the employee’s response, action taken, details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

3.8 In the event of a grievance being raised during disciplinary action the Parish Council will generally put the disciplinary action on hold until grievances have been aired and actions towards a resolution have been progressed.

In exceptional circumstances it is pragmatic to deal with both disputes concurrently.

**Following the repeal of the 2004 Dispute Resolution regulations employees no longer have to raise a grievance before going to an employment tribunal. However, establishing a mechanism for differences and disputes to be resolved internally can often allow the employment relationship to continue. Failure to follow the ACAS Code of \practice (available at www.acas.org.uk) when dealing with grievances can lead to an Employment Tribunal awarding an uplift of an award against the Parish Council of up to 25%. Tribunals dealing with constructive dismissal and discrimination claims are particularly interested in whether the Council followed a procedure when dealing with an internal dispute and whether the Council acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate the procedure with the Clerk and Parish Councillors, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.**

This policy was adopted by Upton by Chester and District Parish Council on 01 April 2019