

Grievance Policy

1 Purpose & scope

1.1 Anybody working within Pointon & Sempringham Parish Council may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. They will want their grievance to be addressed and, if possible, resolved.

1.2 The purpose of the Grievance policy is to ensure that there is a system in place whereby employees can raise a grievance matter formally. It should be used when employees have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed, and which have not been resolved on an informal basis.

1.3 This policy applies to all employees of Pointon & Sempringham Parish Council. Grievances may occur at all levels and apply equally to management and employees.

1.4 The objectives of this policy are to: -

- foster good relationships between the Council and its employees by discouraging the harbouring of grievances;
- settle grievances as near as possible to their point of origin;
- ensure the Council treats grievances seriously and resolves them as quickly as possible; and
- ensure that employees are treated fairly and consistently.

1.5 Issues that may cause grievances include:-

- equal opportunities;
- bullying and harassment;
- work relations;
- new working practices;
- organisational change;
- working environment;
- health and safety; and
- terms & conditions of employment.

1.6 Matters specifically excluded from this policy are:

- appeals against disciplinary actions;
- income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- rules of pension schemes; and
- grievances about matters over which the Council has no control.

1.7 Any formal grievance complaint which concerns the conduct of a Councillor will be addressed as a Code of Conduct complaint by the Council and will be referred to the Monitoring Officer at South Kesteven District Council. Pointon & Sempringham

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Parish Council cannot (by law) address the employee's formal grievance against an elected Member and in all cases, such grievance complaints will be addressed by the Monitoring Officer.

2 Informal resolution

2.1 In the interests of maintaining good working relations employees are encouraged to first discuss any grievance with their manager with a view to resolving the matter informally if appropriate. The clerk should discuss any matters in the first instance with the Chairman of the Council. If the employee feels that this is not appropriate or wishes to pursue a formal grievance, they should follow the procedure detailed below.

3 Formal grievance procedure

3.1 In the case of grievances not being fully resolved at the informal stage, a formal written grievance should be submitted to the Council.

3.2 Employees must set out their grievance in writing to the clerk. If their grievance concerns the clerk or the clerk wishes to raise a grievance, then the grievance should be addressed to the Chairman of Council.

3.3 A formal grievance hearing will be held to address the matter, within twenty-eight days of receipt of the employee's letter.

3.4 The hearing will be conducted by a grievance panel of elected Members who will be appointed by the Council as required.

3.5 At this meeting, employees are entitled and encouraged to be accompanied by a work colleague from the Council, a Trade Union Representative or other relevant person or companion. Employees will be informed in writing of the outcome of the meeting within seven days.

3.6 If the employee making the grievance is unhappy with the response, they may issue an appeal in writing. This appeal must be submitted within seven days of receiving the response to the original grievance meeting.

3.7 The option of using a mediator, where appropriate, as an independent third party will be considered. The third party could be an internal mediator as long as they are not involved in the issue, or in some cases an external mediator may be more appropriate. This option will be on a voluntary basis and will only be used if both parties agree to it. The Council will aim to have a combination of internal and external mediators and the process for accessing mediation when required will be available to all staff.

4 Stage 1 - Statement of grievance

4.1 The employee must set out the grievance in writing and send a copy to the clerk. If the problem is about the Clerk, the grievance should be addressed to the Chairman of the Council.

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4.2 If the grievance is not contested and easily resolvable, the clerk or Chairman of the Council should respond in writing to the grievance within five working days. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

5 Stage 2 – Meeting

5.1 If the grievance is more complicated and/or contested, the clerk or Chairman must invite the employee to attend at least one meeting to discuss the grievance.

5.2 If the grievance relates to the clerk, a Councillor will attend the meeting. If the Chairman of the Council is unavailable, another Council Member will attend the meeting. The meeting must not take place unless:

- the employee has informed the clerk or Chairman of the Council (as appropriate) what the basis for the grievance was when he or she made the statement;
- all other parties involved in the grievance has had a reasonable opportunity (three working days) to consider their response;
- the employee has been advised that he or she may be accompanied and assisted by another employee or a trade union representative of their choice.

5.3 The employee must take all reasonable steps to attend the meeting.

5.4 Depending on the nature of the grievance, it might be necessary for the clerk or Chairman of the Council to undertake an investigation and this will be discussed with the employee at the meeting.

5.5 Following the meeting, the clerk or Chairman of the Council (as appropriate) must inform the employee in writing of the decision as to the response to the grievance, where possible, within five working days after the meeting.

5.6 The employee must also be informed of their right to appeal. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

6 Stage 3 – Appeal

6.1 If the matter is not resolved at Stage 2, the employee has the right to appeal. If the grievance was initially addressed to the clerk, then this appeal should be made to the Chairman of the Council.

6.2 If the grievance was initially addressed to the Chairman of the Staffing committee, the appeal should be made to the Council's Appeal Panel, which will be formed from at least three members who have not been involved in the grievance previously. The appeal must be put in writing by the employee to the Chairman of the Council who will call the Appeals Panel.

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6.3 The Chairman of the Council/Council's Appeal Panel (as appropriate) will meet to hear the grievance within a reasonable period and where possible within five working days. The employee will be informed that he or she may be accompanied by another employee, trade union representative of his or her choice or other relevant companion.

6.4 Following the meeting, the Chairman of the Council/Council's Appeal Panel (as appropriate) should respond to the grievance in writing within five working days. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

7 External Advice

7.1 If mutually agreed, where the grievance is against the Clerk or a councillor, it may be helpful to seek external advice and assistance during the grievance procedure. An external facilitator might be able to help resolve the problem.

8 Grievance procedure during disciplinary action

8.1 Should an employee raise a grievance about the behaviour of his/her line manager during the course of the organisation's disciplinary procedure, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be properly considered.

8.2 The Council may consider seeking external advice as appropriate.

9 Records

9.1 Full records will be kept including the statement of grievance, the response from clerk/ Chair of the Council/ Council's Appeal Panel and any action taken together with the reasons for it.

9.2 These records will be kept confidential and retained in accordance with the Data Protection Act.

9.3 Copies of minutes of the meetings held will be given to the employee.

10 Responsibilities & review

10.1 The review of this policy on a biennial basis or in response to changes in relevant legislation.

11 Related legislation, policies & guidance

11.1 This policy is not a substitute for legislation, regulations and codes of practice but defines how the Council will apply the relevant legislation. Related legislation, policies and guidance is listed below:

- Disability Discrimination Act 1995 (as amended in 2005)
- Employment Relations act 1999

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- Employment Rights Act 1996
- Maternity and Parental Leave Regulations 1999

Pointon & Sempringham Parish Council internal documents:

- Equality policy
- Disciplinary policy