

St Mabyn Parish Council

Grievance Process and Procedure

1 Preamble

- 1.1 This procedure supports the fair treatment of all employees and enables a proper assessment of work related grievances or complaints. It gives all parties the opportunity to be heard fully and dispassionately. The Grievance procedure should enable any emotions to subside and for those involved to clearly see the issues for what they really are.

2 Definitions

- 2.1 Grievance – a real or imagined problem, cause for concern or a complaint in relation to, but not limited to, terms and conditions of employment; health and safety; relationships at work; new working practices; organisational change; discrimination; bullying and equality.

3 Stating a Grievance and General Principles

- 3.1 Any employee or councillor can lodge a grievance in one of two ways: -
 - 3.1.1 by raising their grievance informally with a St Mabyn Parish Councillor who will address the matter and if possible, resolve the grievance; or
 - 3.1.2 as a written statement fully explaining their grievance given to any Councillor, which must then be brought to the full Parish Council in order to set up a Disciplinary Committee.
- 3.2 If a grievance is lodged in writing the matter will be handled formally, in accordance with this procedure.
 - 1.1.1 Where a written grievance is lodged, an extra-ordinary meeting of the Parish Council, will be held as-soon-as practically possible, to establish the membership and chairmanship of a Disciplinary Committee. Any councillors involved in, or, with a personal interest in the matter shall be excluded from membership of the committee and paragraph 3.5 of the Cornwall Town and Parish Council's Code of Conduct shall apply to those councillors at the extra-ordinary meeting of the Parish Council.
- 3.3 Where a written grievance is lodged, the Chairman of the Disciplinary Committee will normally determine: -
 - 3.3.1 who should take charge of the process;
 - 3.3.2 the nature and seriousness of the implications;
 - 3.3.3 who has the power to deal with it?
- 3.4 Care shall be exercised where a line manager is implicated in the grievance.
- 3.5 If a grievance is lodged, the Chairman of the Disciplinary Committee shall ensure that the employee has been given a copy of the grievance procedure. Alternatively, and dependent upon the seriousness or particulars of the issue, the Chairman of the Disciplinary Committee may explain to the employee in appropriate detail how the grievance procedure operates.
- 3.6 The grievance procedure will apply to all employees.
- 3.7 All grievance matters are to be dealt with promptly.
- 3.8 Grievances shall be investigated as the Parish Council Disciplinary Committee deems necessary and in proportion to the seriousness of the issue and may involve: -
 - 3.8.1 collecting evidence;
 - 3.8.2 collecting witness statements; and/or
 - 3.8.3 collecting documentary or photographic evidence.

- 3.9 The collection of evidence, if any, should be undertaken as soon as possible after the grievance has become known and whilst matters are still fresh in the memories of those who may be witnesses or otherwise involved.
- 3.10 In very exceptional circumstances, where it considers the risk of intimidation or coercion of a witness out-weighs the overriding principle of transparency, the Parish Council Disciplinary Committee may consider it necessary to protect the identity of a witness, either by withholding witness accounts, editing or summarising witness evidence or by any other reasonable means.
- 3.11 When an employee is invited to a grievance hearing, he/she must make every effort to attend.
- 3.12 Employees are to be informed of their right to appeal and appropriate method of appeal if they feel that their grievance has not been satisfactorily resolved.
- 3.13 An employee has the right to be accompanied by a fellow employee or trade union representative (not acting in a legal capacity) when attending a formal grievance hearing about a duty owed to the employee by the Parish Council. The same right applies during the appeal process. Both the employee and authorised companion may make contemporaneous notes. Use of any sound or video recording device will not be allowed.
- 3.14 Employees must make a reasonable request, normally in writing, to be accompanied and identify the companion at least three working days in advance of any formal grievance or appeal hearing.
- 3.15 If an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

4 Informal Grievances

- 4.1 When an employee raises a grievance informally, an extra-ordinary meeting of the Parish Council, will be held as-soon-as practically possible, to select a councillor to deal with the grievance informally on behalf of the Parish Council. Any councillors involved in, or, with a personal interest in the matter shall be excluded from this role and paragraph 3.5 of the Cornwall Town and Parish Council's Code of Conduct shall apply to those councillors at the extra-ordinary meeting of the Parish Council.
- 4.2 The councillor appointed in 4.1 is to discuss the matter with the employee. The aim of the discussion is to agree a solution informally. This allows for problems to be settled quickly.
- 4.3 Informal grievances will normally be handled by private discussion and no other parties are entitled to attend.
- 4.4 Normally, any investigation, discussion or outcome relating to an informal grievance will be recorded by the Chairman of the Parish Council Disciplinary Committee. In some circumstances, the Chairman of the Parish Council Disciplinary Committee may consider it appropriate to confirm a point to the employee in writing. This will not change the status of the grievance from an informal to formal grievance.
- 4.5 If a grievance cannot be resolved informally, the employee may lodge a formal grievance in accordance with this procedure.
- 4.6 If an employee decides not to proceed with the grievance, the decision should be properly recorded.

5 Formal Grievances

- 5.1 When the Parish Council receives a written grievance, it shall without unreasonable delay invite the employee to a hearing of the Parish Council Disciplinary Committee.
- 5.2 Employees will be allowed to explain their grievance and how they think it should be resolved.
- 5.3 The hearing can be adjourned at any time by the Parish Council Disciplinary Committee for any investigation it considers necessary.
- 5.4 The Parish Council Disciplinary Committee shall consider any information arising from an informal grievance, if applicable.

- 5.5 If possible, the Chairman of the Parish Council Disciplinary Committee shall inform the employee at the end of the hearing what action, if any, is proposed to resolve the grievance.
- 5.6 Following the hearing, and normally within five working days, the Parish Council will confirm in writing what decision has been taken to address the grievance.
- 5.7 In the case of a serious grievance the five working day period to confirm any decision following a grievance hearing can be extended, subject to the discretion of The Chairman of the Parish Council Disciplinary Committee. The employee shall be kept informed of the progress of the grievance.
- 5.8 If the grievance is not upheld the reason should be explained to the employee.
- 5.9 Where the grievance involves the employee's line manager, the line manager implicated in the grievance shall not be directly involved in how the grievance hearing is conducted, although he/she may be called to give evidence.

6 Appeal

- 6.1 Employees must be informed of their right to appeal in cases subject to the formal grievance procedure.
- 6.2 The employee must inform the Parish Council, in writing, within five working days of receipt of the grievance hearing decision of their wish to appeal where he/she feels that their grievance has not been satisfactorily resolved, and the employee must fully state the grounds for their appeal.
- 6.3 On receipt of a request to appeal against a disciplinary action, an extra-ordinary meeting of the Parish Council, must be held as-soon-as practically possible, to establish the membership and chairmanship of an Appeal Committee. Any councillor involved in, or with a personal interest in the matter shall be excluded from membership of the committee and paragraph 3.5 of the Cornwall Town and Parish Council's Code of Conduct shall apply to those councillors at the extra-ordinary meeting of the Parish Council.
- 6.4 The appeal shall be heard by the Appeals Committee composed of members not previously involved in the disciplinary process that is the subject of the appeal.
- 6.5 The employee is to be invited to an appeal hearing of the Parish Council Appeals Committee to discuss their appeal, normally within 15 working days of receipt of the written notice to appeal.
- 6.6 The employee must make every effort to attend the hearing.
- 6.7 The appeal hearing can be adjourned at any time by the Parish Council Appeals Committee for any further investigation it considers necessary.
- 6.8 Following the appeal meeting the Council may authorise a further investigation based on the information presented at the appeal.
- 6.9 The Council shall inform the employee of the final disciplinary decision within five working days of the appeal meeting or when the result of any further investigation has been reported and considered.
- 6.10 The decision of the appeal hearing will be final.

7 Records

- 7.1 Written records appropriate to the seriousness of the grievance shall be kept.
- 7.1 Any information relating to a grievance matter must be treated in a suitably confidential manner, kept safely and retained for an appropriate period.
- 7.1 Records relating to any formal grievance shall normally be retained within the personnel files.

Adopted by St Mabyn Parish Council at its meeting held on the 5th December 2017, Minute reference Item 10. refers