

Sibford Ferris Parish Council

Grievance Policy

Introduction

The Council will on occasion put works out to tender by contractors but has only one employee, the Clerk to the Council, who becomes the subject of this policy.

The Grievance policy provisions made in the Council's contract of employment are based on and comply with the **2015 ACAS Code of Practice** <<http://www.acas.org.uk/index.aspx?articleid=2174>>

They also take 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>

The policy will be applied fairly, consistently and in accordance with the **Equality Act 2010**.

Informal grievance procedure

The policy provisions the Council has made in the Clerk's contract of employment make it clear that the Council's primary aim is to encourage and maintain good relationships between Council and Clerk by treating grievances seriously should they arise and resolving them as quickly as possible. The contract sets out the arrangements for the Clerk to raise his/her concerns, problems or complaints about his/her employment with the Council.

The Council's grievance policy wherever possible encourages an initial informal approach by the Clerk to the Chairman of the Council for redress. It is the policy of the Council that those initial discussions between the Clerk, the Chairman and other members of the Council they might choose to involve should be entered into with the primary intention of resolving the matter without recourse to formal procedure or where appropriate through a process of mediation seeking conciliation.

As soon as a problem arises, the Clerk should raise it with the Chairman of the Council to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the Clerk does not want to discuss the grievance with the Chairman (for example, because it involves the conduct of the Chairman), the Clerk should contact another member of Council. If the complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the Clerk's and the Councillor's consent.

The Council may consider mediation at any stage of the grievance procedure where this judged appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). The appointment and the choice of a mediator will be agreed jointly by the Clerk and the Chairman.

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Formal grievance procedure

In the event the arrangements outlined in the contract and in this policy for informal reconciliation between the parties have not proved sufficient to reach a mutually agreed and satisfactory conclusion, and the complaint is not one that should properly be dealt with as a code of conduct complaint - which would involve a separate process under the direction of the Monitoring Officer of Cherwell District Council – the Clerk may submit a formal grievance. It should be submitted in writing to the Chairman of Sibford Ferris Parish Council.

The Chairman will arrange for a grievance hearing sub-committee to be formed of 3 members of the Council 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. Where this requirement creates a vacancy on the sub-committee, the Councillor's place will be taken by a councillor from another town/parish/district/county council.

The policy provisions in the Council's contract of employment make clear that under the provisions of the 1999 Employment Relations Act Section, at this stage, the Council's Clerk has the right to have a representative of his/her choice present at any Grievance or Disciplinary hearing.

This policy confirms this provision and provides details as follows of how that process is to be conducted were it to be questioned at the time.

The provision includes any meeting held with the clerk to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance meetings, to present the Clerk's case for his/her grievance/appeal and to confer with the Clerk. The companion cannot answer questions put to the Clerk, address the meeting against the Clerk's wishes or prevent the Clerk from explaining his/her case.

Notification

Within 10 working days of the Council receiving the Clerk's grievance (this may be longer if there is an investigation), the clerk will normally be asked, in writing, to attend a grievance meeting.

The written notification will include the following:

- the names of its elected chairman and other members
- the date, time and place for the meeting.
- the Clerk's right to be accompanied
- a copy of this grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the Clerk's behalf and that the Clerk should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the Clerk will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the Clerk to request any adjustments to be made for the hearing (for example where a person has a health condition).

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Attendance

The Clerk and his/her chosen companion if involved, must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the Clerk can request a postponement and can propose an alternative date that is within five working days of the original meeting date.

Any changes to specified time limits must be agreed by the Clerk and the Council.

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 to establish the facts of the case. The investigation may include interviews (e.g. with the Clerk submitting the grievance, Councillors or electors of the parish).

If the Clerk considers that the grievance concerns his/her safety within the working environment, whether or not it also concerns a complaint against a councillor, the safety concerns should be included in the investigation.

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

The grievance meeting

At the grievance meeting:

- the elected Chairman will introduce the members of the sub-committee to the Clerk
- the Clerk (or companion) will set out the grievance and present the evidence
- the Chairman will ask the Clerk questions about the information presented and will want to understand what action the Clerk wants the Council to take
- any member of the sub-committee and the Clerk (or the companion) may question any witness
- the Clerk (or companion) will have the opportunity to sum up the case

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 Clerk with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the Clerk of the action, if any, that the Council will take and of the Clerk's right to appeal against the decision.

Right to appeal

In practice, in such a small Council, the decision having been arrived at through due process will be taken as final.

In the event the Clerk wishes nevertheless to invoke his/her right to appeal, for example citing the failure of the Council to follow its own grievance procedure, to put forward sufficient evidence to support the decision, or to take account of new evidence that has come to light since the decision,

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the Chairman of the Council will seek the legal counsel, the resources and the support of the Oxfordshire Association of Local Councils.

If a grievance is not upheld, no disciplinary action will be taken against the Clerk if he/she raised the grievance in good faith.

If the Clerk is subject to a disciplinary process at the time he/she raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure which is outlined in a separate policy document.

Respect for privacy

Information about the grievance expressed 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 Clerk. The records of the grievance procedure followed will be held by the Council in accordance with the General Data Protection Regulations (GDPR).

Audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties.