Newport
Parish Council

Grievance Policy

1.0 Purpose and scope

1.1 The Council should have in place a number of procedures to develop good working relationships between employees and the Council. Central to this relationship are regular supervisory meetings to discuss and resolve work related issues. Other mechanisms, such as the annual appraisal, exist to help ensure that problems are raised openly and resolved to mutual satisfaction. The purpose of this document is to provide a mechanism to enable employees to seek a resolution to an issue of concern or grievance which cannot otherwise be resolved.

1.2 Wherever possible grievances should be resolved by discussion with the member of staff concerned. The resolution of grievances at this stage may recognise that the best recourse could be to make use of more effective management, conciliation, mediation or counselling skills. Additionally, the Employment Act 2008 introduced a Code of Practice designed by the Advisory, Conciliation, and Arbitration Service (ACAS) to help resolve disputes at as early a stage as possible. The Department for Business, Enterprise and Regulatory Reform (BERR) and the Chartered Institute of Personnel and Development (CIPD) jointly published guidance with ACAS on appropriate standards to achieve early resolution to problems. Central to this guidance is the long accepted practice within the 1st Tier of local government that, despite any desired intention to resolve any issues informally, the Council recognises that, from time to time, difficulties may arise in working relationships between employees that may be difficult to resolve without recourse to a third party. Mediation and/or conciliation should always be considered as a mechanism to help resolve disputes. Additionally, training for the employer, i.e. the council, in employment matters should also be a fundamental part of any preventative measures that the council wishes to take.

1.3 The ACAS Code of Practice takes no account of the status of the parish council as the employer and the fact that no single councillor may act as the employer. It is critical therefore that, whilst the council will wish to engage with the principles of the Code, in terms of early resolution of conflict, a sound and accountable structure must be in place to satisfy the legislative governance standards expected of parish and town councils. The appointment of a committee of three members to handle grievance issues is key to the success of this policy as is the principle that an external third party may have to be appointed as investigator. The Disciplinary and Grievance procedure document sets out the Hearing process and timescales, it is expected that at in all stages of the process the person or committee investigating the grievance will want to meet all parties to the grievance and to discuss with them the issues involved as quickly as possible.

1.4 The procedure is open to all employees and on matters relating to all issues, except appeals against disciplinary action and redundancy.

1.5 The ACAS Code of Practice defines grievances as “concerns, problems or complaints that employees raise with their employers”.

1.6 Guidance on the format of a hearing is given in a separate model document.

2.0 Pre-formal stages

2.1 Every effort should be made to resolve the grievance through discussion, explanation, conciliation or mediation.

3.0 First formal stage – the Clerk

3.1 Where the grievance is held by a member of staff, the first stage is for the matter to be raised in writing to the Clerk. If the matter requires some further investigation the Clerk must advise the employee and give an undertaking to complete investigations within seven days.

3.2 Where the grievance is about or from the Clerk, the procedure should commence at the second formal stage

3.3 The Clerk should consider the grievance and set out in writing the reasons for any decision.

3.4 If the employee is unhappy about the outcome or, if the matter is not resolved within a reasonable time or if there are further investigations to be carried out, the employee has the right to move to the Appeal stage.

4.0 Second formal stage - The Grievance Committee

4.1 Where the matter cannot be resolved by the Clerk or the grievance is about or from the Clerk, (and cannot be resolved as in 3.0 above) the matter should be dealt with by an appointed committee. The second formal stage is a complaint to the committee in writing setting out the reasons for the complaint. The committee must set out in writing the reasons for any decision. If the matter requires some further investigation the appointed committee must advise the employee and give an undertaking to complete investigations within seven days.

4.2 The mechanism for the hearing is contained in Appendix 1.

5.0 Third formal stage – Appeal to the Council

5.1 The Council will appoint an Appeal Panel which may hear an appeal if:

- The length of time that the appointed committee has taken to arrive at a decision is unreasonable.
- There has been a failure to consider new evidence or evidence of witnesses.
- There has been a fundamental flaw in the procedure.
- The decision cannot be regarded as fair and reasonable in the light of the evidence available.
- There was not a proper investigation of the facts

5.2 The Council will be provided with all the papers concerning the complaint and will notify the employee of whether the appeal will be heard, the likely timescale for considering the appeal and will make a decision about the complaint within a reasonable timescale. The outcome of an appeal to the Council shall be final.

6.0 Putting the case

6.1 An employee should provide as much information as possible at the initial stage of a grievance, and set out clearly the details of the events, times, other persons involved and the reasons for the complaint. A failure to provide full information at the outset is likely to lead to the need for further investigations and a less speedy resolution to a grievance which is not in anyone's best interests.

7.0 Right to be accompanied

7.1 Employees shall have the right to be accompanied at any hearing by a colleague or union representative of their choice. The council will consider other appropriate persons if the employee is the sole employee; where it would be inappropriate for another employee to act in the capacity or where the employee is not a member of a trade union. In such circumstances the council will take advice from ERNLLCA.

7.2 The person who accompanies the member of staff may address the hearing and put, and sum up, the employee's case; respond on behalf of the employee and confer with the employee at any time during the hearing. The companion does not have the right to answer questions on the employee's behalf; address the hearing if the employee does not wish it or prevent the council from explaining their case.

8.0. Advice and guidance

8.1 Employees seeking advice and guidance on the scope and use of the Grievance Procedure should contact the Clerk.

9.0 Miscellaneous

9.1 This procedure should not be used by employees whose grievance is related to an issue that falls within the remit one of the regulatory bodies (e.g. Audit Commission, Standards Board for England).

9.2 This procedure will be reviewed annually to ensure that it continues to meet organisational objectives, reflects statutory requirements, best practice and our quality standards.

9.3 At all meetings a record will be made and a copy sent to the employee.

This Grievance Procedure was reviewed and adopted with no alterations by the Newport Parish Council at its Meeting held on 9th November 2021 (minute ref 2021 11 11).

Reviewed by the Newport Parish Council 08.11.22 – No updates required Minute Ref 2022 11 09

Reviewed by the Newport Parish Council 14.11.23 – No updates required Minute Ref 2023 11 09

Reviewed by the Newport Parish Council 12.11.24 – No updates required Minute Ref 2024 11 09

Reviewed by the Newport Parish Council 11.11.25 – No updates required. Minute Ref 2025 11 08

Reviewed by the Newport Parish Council 10.11.26 – No updates required. Minute Ref 2026 11 08