

COLNEY HEATH PARISH COUNCIL

✉ **Postal Address:** Highfield Park Visitor Centre, Hill End Lane AL4 0RA
☎ **Telephone:** (01727) 825 314
💻 **Website:** <https://colneyheathparishcouncil.gov.uk>
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GRIEVANCE PROCEDURE

1. Introduction

Colney Heath Parish Council recognises that employees may from time to time have problems or concerns about their work, working conditions, working relationships, risks to their health and safety at work, terms and conditions, equal opportunities or any perceived breach of their contractual or statutory rights about which they wish to seek redress.

The Parish Council supports free communication between its employees and the Clerk to ensure questions and problems arising during the course of employment can be aired and, where possible, resolved quickly to the satisfaction of all concerned. However, if it is not possible or appropriate to resolve the matter informally the following formal Grievance Procedure is available to all employees which also explains the further stages available if dissatisfied with the outcome of the initial application.

The aims of the Grievance Procedure are to:-

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

The Procedure is based on the following principles and the Parish Council will ensure that:-

- issues are dealt with promptly and consistently;
- investigations are carried out properly;
- employees are informed of the problems and given an opportunity to comment and put their case;
- employees have the right to be accompanied at any formal meetings.

Employees cannot use the Grievance Procedure in respect of:-

- appeals against salary or grading;
- income tax, national insurance matters, rates of pay collectively agreed at the national or local level;

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- rules of the pension scheme;
- their failure to comply with the time limits within the Procedure unless the Council agrees to a particular time limit being waived;
- an attempt within six months of completion of action under the Procedure to restart the procedure in respect of the same or similar grievance unless an action decided upon to redress that grievance has not been implemented;
- a grievance in connection with an alleged act of misconduct or unsatisfactory performance for which the employee has been notified of the date of an investigatory meeting or disciplinary hearing or on which disciplinary action has been taken;
- a grievance about a matter over which the Parish Council has no control.

Time limits are set down for each stage of the procedure. If the grievance is not dealt with within the specified time limit for a legitimate reason, the employee has the right to proceed to the next stage of the procedure. If the employee fails to comply with a time limit the Procedure will cease and the grievance will be considered to have been settled or withdrawn. In special circumstances the Council may agree that the time limits may be extended.

Nothing in this Procedure prevents any employee discussing a grievance or general concern informally with the Clerk as appropriate at any time.

2. Procedure

- **Informal Resolution**

It is in everyone's best interest to ensure that employee grievances are dealt with quickly and fairly and at the lowest level possible at which the matter can be resolved. Most routine complaints and grievances are best resolved through informal discussion and in the interests of maintaining good working relations.

As the first option therefore, any concerns should be discussed informally with the Clerk or in the case of the Clerk the Chairman of the Council normally within seven days of the complaint arising. However, if this informal approach does not work or the employee considers that it is not appropriate and they wish to pursue it as formal grievance, they may raise the grievance in accordance with the following formal Grievance Procedure.

- **Formal Procedure – First Stage**

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The employee must set out the grievance in writing (the “Statement of Grievance”) normally within seven days of the cause of the grievance occurring to the Clerk.

The employee will be invited in writing to attend a Grievance Hearing with the Clerk or in the case of the Clerk, a Panel of three Councillors to discuss the matter and:-

- the employee must take all reasonable steps to attend the meeting;
- the Grievance Hearing will normally be convened within fourteen (14) days of the Council receiving the “Statement of Grievance”;
- a work colleague, a trade union representative or official may accompany the employee at any Grievance Hearing;
- if the meeting is not convenient for the employee or their companion, the employee will have the right to postpone to meeting by up to five (5) working days.

The employee will have the opportunity at the meeting to present their grievance, provide any evidence or witnesses in support of the grievance and after investigating and considering the grievance fully the Clerk of the Panel holding the grievance meeting will give a decision which will be confirmed in writing as soon as is reasonably practicable, along with the employee’s right of appeal. If it is not possible to respond within five (5) working days the employee will be given an explanation and told when a response can be expected. The Grievance Hearing may be adjourned if necessary to enable matters raised during the course of the meeting to be investigated or to afford time to consider the decision.

The outcome of the grievance meeting will either be:

- to reject the grievance; or
- to uphold the grievance in full or in part and recommending action to rectify the cause of the grievance.

A note-taker will attend the Grievance Hearing to make a record of the meeting which when agreed with the employee will be placed on the employee’s personnel file.

• **Formal Procedure – Stage Two**

If the employee is dissatisfied with the decision on the grievance in this first stage they have a right to appeal against any it. The appeal must be put in writing to the Clerk or in the case of the Clerk to the Chairman of the Council, setting out the

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grounds of the appeal and any new evidence and with what the employee disagrees in the original decision, within five (5) working days of receiving written confirmation of the Grievance Hearing decision.

The employee will be invited in writing to attend a Grievance Appeal Hearing held by an Appeals Committee which will be made up of three Members of the Council who were not involved in the matter or the original Hearing. The employee must take all reasonable steps to attend that meeting.

The Grievance Appeal Hearing will normally be convened within ten (10) working days of the Council receiving notice that the employee wishes to appeal. If the proposed meeting date and time is not convenient for the employee or their companion, the employee may ask to postpone the meeting normally by up to five (5) working days.

The employee will have the opportunity at the Appeal Hearing to present their appeal and provide any new evidence or witnesses in support of the appeal. The appeal meeting may be adjourned if necessary to enable any new material to be investigated before a decision is made.

The outcome of the appeal will either be:

- to reject the appeal and confirm the original decision; or
- to uphold the appeal in full or in part and make a different decision.

The result of the appeal will be confirmed in writing within five (5) working days of the Appeal

Hearing and this decision will be final and binding as there are no further stages to the Grievance Procedure.

1. Right to be Accompanied

The employee has the right to be accompanied at a Grievance or Appeal Hearing by a work colleague, trade union representative or trade union official or at any such meetings held in respect of the grievance.

If the employee so wishes, their companion may address the hearing during of the proceedings to address the hearing to put the employee's case, to sum up that case, to respond on the employee's behalf to any view expressed at the hearing, to confer with the employee during the hearing but not answer questions directly on behalf of the employee.

2. Special Requirements

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If the employee requires assistance in using the Grievance Procedure due to a disability or other impairment or language difficulty, this should make this known prior to any Hearing so that suitable arrangements can be made to ensure that they take a full part and/or understand the true meaning of the subject matter.

3. Mediation

There may be circumstances at any stage of the Procedure where both sides jointly agree to mediation being carried out by a competent and suitably qualified external mediator. The mediator will not be connected to the case or the parties and both parties will agree to abide by the outcomes and agreement reached from the mediation.

4. Grievances Concerning the Clerk

If an employee's grievance is about the Clerk, they should raise the matter in writing with the Chair of the Council. The matter will be dealt with in accordance with Stage One above except that the Grievance Hearing will be conducted by three Members of the Council. If the Clerk wishes to appeal against the outcome of the Grievance Hearing the grounds of the appeal should be set out in writing to the Chairman of the Council and an Appeal Hearing will be arranged as in Stage Two above and conducted by three Members of the Council who did not hold the Grievance Hearing as part of Stage One.

5. Grievances after Leaving the Employment

An employee may still raise a grievance even after they have left the Council's employment using the same procedure as set out above but if mutually agreed in writing or it is not reasonably practicable to follow the Procedure, the person may simply raise the grievance by setting it out in writing together with the basis for it. The Council will set out a response to it in writing within a reasonable time without the need for a Grievance Hearing or right of appeal. If the ex-employee does agree to the matter being dealt with by correspondence, the Council will nominate three Members of the Council to consider the grievance and respond to the ex-employee in writing within fourteen days of the receipt of such confirmation setting out the basis for the Council's decision.

If the complaint is related to their dissatisfaction with a dismissal decision, the Grievance Procedure should not be invoked and the employee should instead appeal against that decision in accordance with the Disciplinary Procedure appeal arrangements.

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6. Safeguards

No employee will be reprimanded or subjected to disciplinary action as a result of seeking resolution of a grievance through this Procedure unless the complaint is found to have been made maliciously. In addition, no employee will suffer detriment, harassment or victimisation as a result of seeking resolution of a grievance through this Procedure.

Records will be kept detailing the nature of the grievance, the response, any action taken and the reasons for it. These records will be kept confidential and retained in accordance with data protection rules principles and The Council's Data Protection Policy and the General Data Protection Regulations.

7. Review

The Grievance Procedure will be reviewed periodically, as appropriate, to assess its effectiveness and any appropriate changes will be made in consultation with employees.

This policy was adopted 27th February 2023 for a period of 2 years or until legislation changes.