



Wimblington & Stonea
Parish Council

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Policy Document: Grievance Policy and Procedure

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Introduction

The Purpose of this document is to define and describe the Grievance Policy and Procedure that has been adopted by Wimblington & Stonea Parish Council.

This policy document will be reviewed by members of Wimblington & Stonea Parish Council and updated or amended where necessary.

Overview

The council recognises that from time-to-time employees may have problems or concerns about their work, working environment or relationships with colleagues that they wish to raise and successfully resolve.

The purpose of this grievance procedure is to provide the council with a robust mechanism to deal with these issues quickly, consistently and fairly.

Purpose

This policy and procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008 and will be reviewed as and when a change is deemed necessary, primarily as a result of:

- Changes to legislation or statute,
- Agreement of new national terms and conditions of service or, Government Policy, organisational change or other changes agreed through Trade Union consultation.

This policy procedure relates to issues which may cause grievances including, but not limited to:

- terms and conditions of employment
- health and safety
- work relations
- new working practices
- working environment
- organisational change
- discrimination

In this policy and procedure, the term 'you' is used to refer to an employee or group of employees who is raising a grievance.

Principles

The council expects that grievances will be raised as soon as practically possible after the occurrence that led to the grievance, and without unreasonable delay. It provides an agreed procedure to enable employees to seek redress for any grievance that might arise in relation to their employment, subject to the exceptions as below:

- Disciplinary and dismissal matters.
- Questions relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, occupational pension scheme and statutory sick pay).
- National agreements (other than local interpretation)
- Grading issues
- Personal matters not directly related to employment or conditions of service.

Where a grievance is raised during a disciplinary process the disciplinary process may be suspended temporarily 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.

Whilst the council will aim to respect confidentiality of any employee's concerns or complaints there are occasions that, as part of its duty of care, or legal responsibilities the council reserves the right to investigate and take forward matters without their consent e.g. discrimination, theft etc.

Where attempts to resolve the matter informally do not work, it may be appropriate to raise a formal grievance under this procedure.

A formal grievance should be concerned with the way in which you have been treated by the council or managers acting on its behalf.

When a group of employees have a concern about treatment they have received or any aspect of their work the matter should be raised collectively with their line manager or a more senior manager in their business unit.

If your complaint relates to bullying or harassment on the part of a colleague, the matter should be dealt with under the Antibullying and Harassment Policy and Procedure.

Complaints that amount to an allegation of misconduct on the part of a colleague will be investigated and dealt with under the disciplinary procedure and you will be informed once the matter has been dealt with.

Employees may choose to be accompanied by a trade union representative or a workplace colleague throughout the formal stages of the procedure.

This procedure sets timescales to ensure that any grievance is dealt with quickly and efficiently. However, they may be extended in consultation with Human Resources to ensure a fair process.

Audio/visual recordings of the proceedings are not acceptable at any stage of the grievance procedure and are not admissible within this process, unless agreed as a reasonable adjustment for an employee with a disability.

Scope

This policy and procedure applies to all employees.

Complaints about the conduct of councillors will be dealt with under the Councillor's Code of Conduct.

Informal Resolution

The formal grievance process can be very difficult and can have an impact on the health and well-being of the parties involved, and it may be very difficult to restore good working relationships following an outcome.

It is therefore strongly recommended that in the first instance you should try and resolve the concern or issue informally through your line manager.

This may be through one-to-one meetings, requesting a specific meeting with your manager or through day-to-day interactions between yourself and your manager.

Dealing with grievances in this way can often lead to the quickest and most effective resolution.

Employees should be able to resolve the majority of workplace issues in this manner without needing to invoke the formal procedure.

If the grievance concerns the clerk, then you should approach the Chairman.

If it is not possible to resolve the matter informally then a formal grievance can be raised.

The complaint must be made in writing, clearly setting out the nature of the grievance and the outcome that is sought.

The letter should be headed "Formal Grievance" and sent to your line manager (where appropriate) or a more senior manager in your organisation.

If a formal grievance is being raised collectively by a number of employees the grievance letter should identify those raising the complaint and their consent for this.

Depending on the nature of the grievance there may be further attempts to resolve the matter informally.

Mediation

If the problem concerns relationship difficulties and/or conflict, it may be more appropriate to consider mediation as a way to resolve the issue.

In this situation a third-party mediator will be appointed who will discuss the issues raised in your grievance with all those involved and will seek to facilitate a resolution.

Mediation can be introduced at any stage in this procedure and will be used only where all parties involved in the grievance agree.

Formal Procedure

Where an employee has attempted to resolve their complaint or issue informally with their manager but remains dissatisfied they have the right to invoke the formal grievance procedure which is explained below.

The process for a formal grievance will involve investigation (where appropriate), meeting with the employee, a written outcome and a right of appeal.

The employee may be accompanied by a work colleague or trade union representative at any hearing or subsequent appeal hearing.

As soon as is reasonably practicable and within 5 working days, you will be informed in writing of the outcome and any further action that the council will take as a result, for example the review of a policy.

If a collective grievance is being raised, you and all your colleagues raising the grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this.

You and your participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing.

You and your participating colleagues will be notified individually of the outcome at each stage of the process.

If you and your colleagues do not entirely, voluntarily agree to this arrangement or if your grievances are not identical, the council will arrange to hear your grievances using the council's Grievance Procedure on an individual basis.

If you and your colleagues are members of the same trade union, a trade union representative can (if you all wish them to do so) raise the grievance on your behalf.

Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.

If there is no one nominated spokesperson, you and your colleagues will be entitled to address concerns individually at the grievance hearing, but you will have no additional right to be accompanied beyond having your colleagues present.

If you or your colleagues wish to be represented by your trade union representatives on an individual basis, the council will arrange to hear your grievances as individual employees.

The Grievance Statement

The first stage of the formal grievance procedure is for you to put your complaint in writing.

This written statement will form the basis of any subsequent hearing and investigations, so it is important that you set out clearly the nature of your grievance and indicate the outcome that you are seeking.

If your grievance is unclear, you may be asked to clarify your complaint before any meeting takes place.

Your complaint should be headed "Formal Grievance" and sent to your line manager.

If your complaint relates to your line manager, the complaint should be sent to a more senior manager in your organisation.

Further attempts may be made to resolve the matter informally, depending on the nature of your complaint.

If you are not satisfied with the outcome, you may insist on the matter proceeding to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected.

If any evidence is gathered in the course of these investigations, you will be given a copy no less than three working days in advance of the hearing for you to consider your response.

In exceptional circumstances, the evidence given by individuals may have to remain confidential (e.g. where a concern has been raised about bullying).

Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be provided.

Grievance Hearing

The hearing will be held as soon as is reasonably practicable, normally within five working days after any preliminary investigation has taken place.

You will be kept informed of the progress of the investigation.

The hearing will be conducted by your line manager, OR, an independent line manager at the same level as your manager or more senior manager if appropriate, and attended by an HR representative.

At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter.

Where appropriate, the meeting may be adjourned to allow further investigations to take place.

Following the meeting, you will be informed in writing of the outcome as soon as is reasonably practicable, usually within 5 working days, and told of any action that the council proposes to take as a result of your complaint.

In preparing for the hearing, provision must be made for any reasonable adjustments to accommodate the needs of a person with disabilities.

Appeal

If you are dissatisfied with the outcome, you may make a formal appeal.

Your appeal should be made in writing to the Chairman or Clerk.

You should clearly state the grounds of your appeal, i.e. the basis on which you believe that the result of the grievance was wrong or that the action taken as a result was inappropriate.

This should be done within five working days of the written notification of the outcome of the grievance.

An appeal meeting will be arranged as soon as is reasonably practicable and normally within 15 working days of the submission of your formal appeal.

The appeal hearing will be conducted by a more senior manager to the one who heard the original grievance, or by an independent Parish Council chairman, OR, by the District Council monitoring officer, or other Councillors, in agreement with both parties

They will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate.

The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance.

The individual conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

The decision at the appeal is final and will be confirmed in writing as soon as is reasonably practicable, usually within 5 working days.

Right to be Accompanied

You have the right to be accompanied by a fellow worker or trade union official at any formal grievance meeting or subsequent appeal.

The trade union official need not be an employee of the council, but if they are not a fellow worker or an employee of their union, the council may insist on them being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

In exceptional circumstances the council will consider a request from an employee to be accompanied by a person other than a trade union official or fellow worker.

In the case of collective grievances, you and your colleagues have the right to be represented at any formal grievance meeting or subsequent appeal either by a jointly nominated colleague or trade union official.

The trade union official need not be an employee of the council, but if he/she is not a fellow worker or an employee of his/her union, the council may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.

It is not usually the case that employees will be represented at informal grievance meetings. However, if requested by the employee this will not be refused.

Representatives will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the council and you, so any questions put directly to you should be responded to by you and not your companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that you can propose an alternative time within five working days of the scheduled date.

This five-day time limit may be extended by mutual agreement.

External Facilitation

In exceptional circumstances it may be helpful to seek external advice and assistance during the grievance procedure.

For example, where relationships have broken down, or where the grievance is against the Chairman or Vice chairman, an external facilitator might be able to help resolve the problem, investigate the matter or hear the grievance, to ensure the process is seen to be impartial.

Data Protection

The council processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy.

In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported to the Information Commissioner's Office (ICO) within 72 hours of becoming aware of it, provided it is likely to result in a risk to individuals' rights and freedoms. The notification requires a description of the breach, the number and categories of people and data records affected, and a description of the potential consequences. If there is a high risk, you must also notify the affected individuals without undue delay.