

GRIEVANCE POLICY

Adopted at the Council meeting 3rd September 2025

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>).
2. This policy applies to **employees** of this council.
3. It also takes 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).
4. It also takes into account relevant law affecting Councils.
5. It should be read in conjunction with the Code of Conduct and Dignity at Work Policy which jointly aim to encourage and maintain good relationships between the Council, its employees and others by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees and if appropriate for councillors to raise their concerns, problems or complaints about their employment or treatment by the Council where there has been a perceived breach of either the Dignity at Work Policy, the Code of Conduct or any law. This policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
6. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager or Chair of the council – as set out in the Dignity at Work Policy. NB. If no line manager is in place for the employee then the employee should raise the matter with the Chair of the council and or a member of the council who they trust best and are most at ease with and who accepts the role, this person cannot be related, the '*nominated councillor*'.
7. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for their grievance/appeal and to confer with the employee. The companion must be nominated in writing and notification of this nomination provided to the council. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes, or without their knowledge or prevent the employee from explaining their case. The companion is there primarily to support the individual with the grievance.
 - the Council will give employees reasonable notice of the date of any grievance/appeal meetings. Employees and their companions must make all

reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.

- any changes to specified time limits must be agreed by the employee and the Council.
- an employee has the right to appeal against the decision about their grievance. The appeal decision is final.
- information about an employee's grievance 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 employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Employees can only use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of the borough council, currently Test Valley Borough Council, who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- the Council may engage external investigators, grievance or appeal panels for the purposes of the process.
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. The Dignity at Work Policy makes it clear that any complaint under the code of conduct should be referred to the Monitoring Officer. Whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.

- If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with their line manager, Chair of the Council and/ or nominated councillor at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.

Informal grievance procedure

8. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their line manager, Chair of the Council or nominated councillor to see if an informal solution is possible. All should *try* to resolve the matter at this stage. If the employee does not want to discuss the grievance with their line manager (for example, because it concerns the manager), or the Chair of the Council, the employee must establish and contact a nominated councillor. If the employee's complaint is about a councillor, it may or may not be appropriate to involve that councillor at the informal stage. This will depend on the circumstances and will require both the employee's and the councillor's consent. An informal grievance should be pursued first. The Dignity at Work Policy provides more guidance on this.

Formal grievance procedure

9. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint for referring to the Monitoring Officer, an employee may submit a formal grievance. It should be submitted in writing to the Chair of the council or if the grievance is in respect of the Chair to the Deputy Chair.
10. The Chairperson of the council will appoint a committee of 3 members to hear the grievance in the event that the grievance is raised by or relates to the Clerk. Where the grievance is raised by another employee other than the Clerk, the Chairperson may appoint the Clerk to hear the grievance or appoint a committee. The committee may appoint a Chair from one of its members. and will need to ensure minutes are properly recorded of any decisions. No councillor or Clerk with direct involvement in the matter including being related to the individuals, shall be appointed to the committee.

Investigation and Arbitration

11. If the 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 investigator may be an appropriate employee, Councillor or external party. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).

12. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.
13. If the committee decides it is appropriate they may recommend to the complainant that the matter be taken to arbitration for resolution. The complainant and the individual who is the subject of the complaint must agree to this.

Notification

14. Within 14 calendar days of the Council receiving the formal grievance (this may be longer if there is an investigation), the complainant will *normally* be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairperson and other members
 - the date, time and place for the meeting. The complainant will be given reasonable notice of the meeting which will normally be within 35 calendar days of when the Council received the grievance.
 - the complainant's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a link to the Council's grievance policy.
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the complainant's behalf and that the complainant should provide the names of their witnesses as soon as possible before the meeting.
 - confirmation that the complainant 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 complainant to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

15. At the grievance meeting:
 - the committee Chair will introduce the members of the committee to the employee
 - the complainant (or companion) will set out the grievance and present the evidence
 - the Chairperson will ask the complainant questions about the information presented including what action they would like the Council to take
 - any member of the committee and the employee (or the companion) may question any witness
 - the complainant (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 committee.
16. The committee Chairperson will provide the complainant with the committee's decision, in writing, usually within 7 calendar days of the meeting though may be longer e.g. where further investigations are required. The letter will notify the

complainant of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

17. If the complainant decides that their grievance has not been satisfactorily resolved by the committee, they may submit a written appeal to the Chair of the Council. An appeal must be received by the Council within 7 calendar days of the complainant receiving the committee's decision and must specify the grounds of appeal.
18. Appeals may be raised on a number of grounds, e.g.:
 - a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
19. The appeal will be heard by a panel of 3 members of the council who have not previously been involved in the case. There may be insufficient members of the council who have not previously been involved. If so, the appeal panel will be a committee of the remaining council members. The Council may engage external parties if there are insufficient councillors to form the panel. The appeal panel will appoint a Chairperson from one of its members.
20. The complainant will be notified, in writing, usually within 14 calendar days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 35 calendar days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.
21. At the appeal meeting, the Chairperson will:
 - introduce the panel members to the complainant
 - explain the purpose of the meeting, which is to hear the complainant's reasons for appealing against the decision of the committee
 - explain the action that the appeal panel may take.
22. The complainant (or companion) will be asked to explain the grounds of appeal.
23. The Appeal Panel Chairperson will inform the complainant that they will receive the decision and the panel's reasons, in writing, and when they are likely to receive the letter. This may be within 14 calendar days of the appeal meeting however will be longer where further investigations are required.
24. The appeal panel may decide to uphold the decision of the committee or substitute its own decision.
25. The decision of the appeal panel is final.

Date of policy: September 2025

Date of Council meeting agreeing the policy: 3rd September 2025

Policy effective from: Immediately

Replacing any previous grievance policies.