

## **IRON ACTON PARISH COUNCIL GRIEVANCE AND WHISTLEBLOWING PROCEDURES**

### **1. INTRODUCTION**

- a. These procedures apply to The Clerk and any other employees of the Council. The objectives of the procedures are:
  - i. to foster good relationships between the Council and its employees by discouraging the harbouring of grievances
  - ii. to settle grievances as near as possible to their point of origin
  - iii. to ensure the Council treats grievances seriously and resolves them as quickly as possible
  - iv. to ensure that employees are treated fairly and consistently throughout the Council
  - v. to encourage public interest disclosure of wrongdoing by protecting Council employees who raise legitimate concerns in a responsible and appropriate manner (whistleblowing)
  
- b. Matters excluded from these procedures are as follows:
  - i. appeals against salary or grading
  - ii. appeals against disciplinary actions or dismissal
  - iii. income tax, national insurance matters, rates of pay collectively agreed at the national or local level
  - iv. rules of pension schemes
  - v. grievances about matters over which the Council has no control.
  
- c. Concerns covered by the whistleblowing paragraphs of these procedures include:
  - i. financial malpractice, impropriety or fraud
  - ii. failure to comply with legal obligations or statutes
  - iii. dangers to health and safety or the environment
  - iv. criminal activity
  - v. improper conduct or unethical behaviour
  - vi. attempts to conceal any of i. to v. above

### **2. INFORMAL GRIEVANCE PROCEDURE**

- a. In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with her/his manager with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or she/he wishes to pursue a formal grievance the employee should follow the procedure detailed below.

### **3. FORMAL GRIEVANCE PROCEDURE – STANDARD**

- a. The employee must set out her/his grievance in writing (headed "Statement of Grievance") and provide a copy to her/his manager and the Chairman of the Council. The Chairman must bring the grievance to the attention of the Council. The grievance will be considered on the Council's behalf by the Chairman, Vice Chairman and one other councillor (the Grievance Panel).

- b. Once the Chairman, Vice Chairman and nominated councillor have had a reasonable opportunity to consider the response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter with them.
- c. Grievance meetings will normally be convened with 10 working days of the Council receiving the Statement of Grievance.
- d. The employee must take all reasonable steps to attend the meeting. She/he has the right to be accompanied by a fellow employee, a Trade Union representative or an employee of another local council. If the meeting is inconvenient for either the employee or her/his companion, the employee may postpone the meeting by up to 5 working days.
- e. A grievance meeting, once begun, may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Grievance Panel time to consider the decision.
- f. After the conclusion of the meeting the employee will be informed in writing of the Panel's decision within 5 working days. The meeting may be reconvened for this purpose.
- g. If the employee wishes to appeal against the decision she/he must inform the Council within 5 working days of receiving the decision in writing.
- h. If the employee notifies the Council that she/he wishes to appeal, the employee will be invited to attend a grievance appeal meeting before the whole Council in closed session. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee, a Trade Union representative or an employee of another local council.
- i. A grievance appeal meeting will normally be convened within 7 working days of the council receiving notice that the employee wishes to appeal pursuant to 3.g. above, or as soon as possible thereafter consistent with the notice requirements for summoning councillors. If the meeting time is inconvenient for the employee or her/his companion, the employee may ask to postpone the meeting by up to 5 working days.
- j. After the grievance appeal meeting the employee will be informed in writing of the Council's final decision within 5 working days. The meeting may be reconvened for this purpose.

#### **4. FORMAL GRIEVANCE PROCEDURE – MODIFIED (FOR FORMER EMPLOYEES)**

- a. If an ex-employee wishes to raise a grievance, she/he must set out their grievance and its basis in writing and provide a copy to the Chairman of the Council.
- b. Following receipt of a statement of grievance, the Chairman of the Council will either write to the ex-employee inviting her/him to attend a meeting to discuss the grievance, or to ask for the ex-employee's agreement to the Council responding to the grievance in writing (without a meeting).

- c. If the ex-employee **does not** agree, within 7 working days of the council writing to them, to the matter being dealt with by correspondence steps 3.a to 3.f of the Standard Council grievance procedure will be followed. The meeting will be conducted by the Council's Grievance Panel.
- d. If the ex-employee **does** agree to the matter being dealt with by correspondence, the Council's Grievance Panel will consider her/his grievance and will respond to the ex-employee in writing within 10 working days of the receipt of such confirmation, setting out the Council's decision and the basis for the decision.

## 5. GENERAL INFORMATION ON GRIEVANCE PROCEDURE

- a. Grievances raised under the Standard Council grievance procedure will normally be investigated, and any meetings to discuss the grievance conducted by the Council's Grievance Panel. Where the grievance is directed at the Chairman or Vice Chairman of the Council, she/he will be replaced by a councillor nominated in her/his place.
- b. A copy of the Statement of Grievance and notes of the decisions taken at each stage of the procedure will be placed on the employee's/ex-employees personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

## 6. WHISTLEBLOWING PROCEDURES - INTRODUCTION

- a. It is fundamental to every contract of employment that an employee should not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which she/he believes shows serious malpractice or wrongdoing within the organisation, it is in the public interest for this information to be disclosed without fear of punishment.
- b. The Public Interest Disclosure Act 1999 gives legal protection to employees against being dismissed or penalised as a result of publicly disclosing certain serious misbehaviour. The Council's Whistleblowing Procedures are intended to assist and protect individuals who report malpractice or impropriety. Employees of the Council are encouraged to use these procedures rather than air their complaints outside the Council.
- c. Whistleblowers who use these procedures are protected provided disclosures are made:
  - i. in good faith
  - ii. in the reasonable belief that malpractice or impropriety has taken place
  - iii. to an appropriate person (see below)
- d. The Council will treat all disclosures under these procedures as confidential and sensitive. The identity of the individual making the disclosure will be kept confidential so long as it does not hinder or frustrate any investigation.
- e. If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against her/him. Before making a disclosure, however, the individual should exercise due care to ensure the accuracy of the information.

- f. Where an individual makes malicious or vexatious allegations, and particularly if she/he persists once they have been demonstrated to be unsubstantiated, disciplinary action may be taken.

## **7. WHISTLEBLOWING PROCEDURES – MAKING A DISCLOSURE**

- a. A whistleblowing disclosure should be made to the Clerk and Chairman of the Council (unless either is the subject of the disclosure – see 7.b. below) as soon as the whistleblower has a reasonable belief that wrongdoing is taking place.
- b. Disclosures will be investigated by the Clerk, in the first instance, unless she/he is the subject of the disclosure or in any way connected with it. In such a case it will be investigated by the Chairman of the Council. Disclosures involving the Chairman in any way should be passed to the Vice Chairman for investigation. Notwithstanding the above, the Chairman or Vice Chairman may refer the investigation to the Clerk if she/he is satisfied that the Clerk can investigate it without any conflict of interest.
- c. If a disclosure includes evidence of potential criminal activity the investigator should inform the police. In these circumstances, the Council will ensure that its investigation does not hinder a formal police investigation.

## **8. WHISTLEBLOWING PROCEDURES – INVESTIGATION**

- a. The Council's investigator should obtain full details and supporting evidence for the disclosure. Having done so, she/he should inform the individual against whom the disclosure has been made and invite her/him to a meeting to discuss the matter.
- b. The investigator should then follow the process set out in paragraphs 3.d. to 3.j. above for grievance proceedings.
- c. The whistleblower should be kept informed in writing of progress on, and the outcome of the process.
- d. Where the whistleblower is not satisfied that her/his disclosures are being properly dealt with by the investigator, she/he will have the right to raise it with the Council as a whole in closed session.
  - i. If the Council concludes that the disclosure is unsubstantiated and its internal procedures have been exhausted, but the whistleblower is not satisfied with the outcome of the investigation, the Council recognises the legal right of employees and ex-employees to make disclosures to prescribed persons (such as the officials of the Health and Safety Executive, officers of the Audit Commission, or officials of the utility regulators).

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