

Appendix B

Proposed Terms of Reference for Grievance Committee

Membership

5 Members

Chair:

Vice Chair:

Terms of Reference

The Committee will discharge the employer's functions to hear and determine any grievance brought by or against the Chief Executive and Chief Officers of the Council. For the purpose of these Terms of Reference 'Chief Officer' defined as the Monitoring Officer and any officer defined in S.2 (1) (b) of the Local Government and Housing Act 1989.

The Committee will consist of 5 members in accordance with political proportionality on the Council. Membership shall not overlap with those appointed to the Employment (Appeals) Committee.

Grievances raised by the Chief Executive or Chief Officer

If the Chief Executive or Chief Officer believes that they have a grievance regarding their employment it should be raised initially with the Monitoring Officer and Director of HR. They will establish whether the matter can be resolved informally. This might be through internally facilitated discussions or by external mediation.

If the grievance cannot be resolved informally to the satisfaction of the officer, the Monitoring Officer shall oversee a 2 stage process:

- Stage 1 – the grievance will be referred to the Grievance Committee. In most cases it will be appropriate for the committee to commission an independent investigator to carry out an investigation. The Grievance Committee should invite the officer to meet in person and hear the officer's grievance and subsequently hear the independent investigator's report before making a decision.
- Stage 2 – Should the officer wish to appeal against the decision of the Grievance Committee, an appeal will lie to a sub-committee of the Employment (Appeals) Committee consisting of 5 members appointed for that purpose.

Grievances raised about a Chief Officer

Grievances raised against a Chief Officer should be raised, in the first instance, to the officer's line manager. The line manager should explore whether the matter can be resolved informally.

Where informal attempts at resolutions have not succeeded or have proved unsuccessful, the manager, in consultation with HR, will manage the stage one procedure.

Formal Stage One

- In most cases it will be appropriate for an independent investigator to be appointed to carry out the investigation.
- A grievance meeting will take place where the officer can discuss their grievance.

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- The officer has the right to be accompanied by a Trade Union representative or work colleague to any meetings relating to their grievance.
- The line manager will hear the case and, taking into account the investigation report, reach their conclusion which will be communicated to the officer without delay.

Formal Stage Two

- If the manager does not uphold the grievance, then the officer has a right of appeal to the Employment (Appeals) Committee. The Employment (Appeals) Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Monitoring Officer.
- If the Employment (Appeals) Committee dismisses the appeal, then the matter would be regarded as having been concluded.

Grievances raised about the Chief Executive

Grievances raised against the Chief Executive, should be made to the Director of HR and referred to the Monitoring Officer.

The Monitoring Officer should establish whether there is a substantive complaint which, if proved would fall within the Grievance Policy, rather than a complaint about services or policy decisions for which the Chief Executive is not responsible, or a matter that should be dealt with under the disciplinary or other policy of the council. The Monitoring Officer will consult with the Director of HR and the Chair of the Grievance committee in reaching that decision.

If the matter does fall within the Grievance Policy, the Monitoring Officer and Director of HR will explore whether the matter may be resolved informally. This might be through internally facilitated discussions or by external mediation.

If the matter remains unresolved, the Monitoring Officer will refer the matter for determination by the Grievance Committee.

Formal Stage One

- Where informal attempts at resolutions have not succeeded or have proved unsuccessful, the Monitoring Officer and Director of HR will manage the stage one procedure. In most cases it will be appropriate for an independent investigator to be appointed to carry out the investigation.
- A hearing will take place of the Grievance Committee at which the Chief Executive has the right to make representations.
- The officer has the right to be accompanied by a Trade Union representative or work colleague to any meetings relating to their grievance.
- The Grievance Committee will hear the case and reach its conclusion which may include one of the following:
 - Uphold the grievance. This may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the complainant.
 - Uphold the grievance and, if the matter is of a serious nature, then it may decide to refer the matter to the Employment Appeals Committee.
 - Dismiss the grievance. If dissatisfied with the outcome, the aggrieved employee then has a right of appeal.

Formal Stage Two

- If the Grievance Committee finds against the complainant, then that person has a right of appeal to the Employment (Appeals) Committee. The Employment (Appeals) Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Monitoring Officer.
- If the Employment (Appeals) Committee dismisses the appeal, then the matter would be regarded as having been concluded.

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