

## APPENDIX 2

### POWYS COUNTY COUNCIL

#### INTERIM GRIEVANCE PROCEDURE RELATING TO CHIEF OFFICERS

##### **1. Scope of Procedure**

- 1.1 This Procedure has been adopted by the Council for the purpose of dealing with grievances involving Chief Officers of the Council and applies to all Chief Officers (and Deputy Chief Officers) of the Council other than those designated as "Statutory Officers" namely the Head of Paid Service, the Monitoring Officer and Chief Finance Officer (Section 151 Officer). This Procedure covers the circumstances where an employee raises a grievance against a Chief Officer.
- 1.2 Minor grievance issues can often be resolved informally. Formal steps will be taken under this Procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the grievance).
- 1.3 Save where alternative arrangements have been agreed in advance between the Council or the Chief Executive and the Chief Officer, the steps set out in this Procedure should be followed. It is recognised that it may be necessary to depart from the Procedure, from time to time, according to the particular circumstances of a case. In such circumstances, all parties will give fair consideration to reasonable proposals to modify the Procedure accordingly.

##### **2. Matters not covered by this Procedure**

- 2.1 This Procedure will be used in conjunction with the Council's other policies although the following subjects will be dealt with under separate Council policies and Procedures and not through this Grievance Procedure:
  - (a) Matters connected with a Chief Officer's unsatisfactory performance or conduct where the Chief Officer has already been notified of a formal hearing concerning that matter which will be dealt with under the Council's Disciplinary Procedure for Chief Officers;
  - (b) Appeals against flexible working applications which will be dealt with under the Flexible Working Policy;
  - (c) Grievances which are the subject of, or appropriate to, a collective dispute between the Council and the trade union(s) which would be raised through the JCNC.

##### **3. Procedure for dealing with a grievance raised by an employee against a Chief Officer**

- 3.1 Grievances made by employees against a Chief Officer should be sent to the Chief Executive who will appoint a Preliminary Investigating Officer to undertake a preliminary investigation into the allegations contained in the grievance to determine whether a case to answer appears to exist which requires further consideration.

##### ***Resolving grievances informally***

- 3.2 Where the Preliminary Investigating Officer is satisfied that the grievance is neither procedurally flawed nor frivolous or unfounded then the Preliminary Investigating Officer should, in the first instance, inform the Chief Officer of the subject matter of the grievance and then seek to agree with the parties that attempts be made to resolve the matter informally without resorting to the formal procedure. This will be through internally-facilitated informal joint discussions.
- 3.3 Where the Preliminary Investigating Officer considers that the grievance is of such a serious nature that the resolution of it by informal means is not appropriate, he may direct that the formal process is followed without recourse to the informal process.

### ***Resolving grievances formally***

#### ***Formal Stage 1 – Investigating Officer***

- 3.4 Where informal attempts at resolution have not resolved the grievance or the grievance is of such a serious nature that informal resolution is not appropriate, then the Preliminary Investigating Officer should refer the grievance back to the Chief Executive or the Chief Executive's nominee (who can be an external independent investigator and can be the Preliminary Investigating Officer) (the "Investigating Officer") who will deal with the stage 1 investigation.
- 3.5 Once the investigation is completed, the Investigating Officer will confirm the outcome in writing. This letter must inform the employee bringing the grievance of their right of appeal to the Employment and Appeals Committee if their complaint is not upheld.
- 3.6 If the Investigating Officer finds in favour of the employee's complaint, he or she will propose a solution based on his or her own assessment of what would be appropriate in all the circumstances.
- 3.7 If, at any point during the investigation, it becomes apparent that the grievance includes a potential disciplinary issue then the following provisions in this paragraph will apply. If the Investigating Officer is not the Chief Executive, he will report his concerns regarding the potential disciplinary issue to the Chief Executive in the first instance who will then investigate and determine whether there is a case to answer which should be referred to the Investigation and Disciplinary Committee and be dealt with under the Council's Disciplinary Procedure for Chief Officers. Involvement under this Procedure shall not prevent the Investigating Officer or Chief Executive from conducting or being involved in an investigation of any disciplinary issue under the Council's Disciplinary Procedure for Chief Officers (or from any investigation under the Council's Disciplinary Procedure for Chief Officers from being carried out concurrently with any investigation under this Procedure).

#### ***Formal Stage 2 – Employment and Appeals Committee***

- 3.8 If the employee does not accept the decision of the Investigating Officer, they have the right to appeal to the Employment and Appeals Committee and will be required to write formally setting out the following:
  - (a) Summarising what has happened;
  - (b) Stating why they are not able to accept the outcome of the formal stage;
  - (c) Stating what they feel the solution should be and why.

- 3.9 The employee is required to submit their written appeal no later than 10 working days from the date the outcome of the stage 1 investigation is communicated to them.
- 3.10 The Employment and Appeals Committee will be made up of 3 to 5 members. The Employment and Appeals Committee will be responsible for considering the grievance, with appropriate technical and procedural advice from the Investigating Officer or Human Resources.
- 3.11 Every attempt will be made to hear the appeal as quickly as possible.
- 3.12 The Employment and Appeals Committee will hear the case and reach its conclusion. The appeal hearing by the Employment and Appeals Committee is the final stage in the Procedure and the Employment and Appeals Committee's decision is final
- 3.13 If at any point the Employment and Appeals Committee decides that the grievance includes a potential disciplinary issue then it may refer the matter to the Investigation and Disciplinary Committee who will deal with the matter under the Council's Disciplinary Procedure for Chief Officers. Members of the Employment and Appeals Committee may also be members of the Investigation and Disciplinary Committee. Any investigation under the Council's Disciplinary Procedure for Chief Officers may be carried out concurrently with this Procedure if the Employment and Appeals Committee and Investigation and Disciplinary Committee deem that it is appropriate to do so.