

# Grievance Policy for Statutory Officers

<b>General Purposes Committee</b>	25 August 2021
<b>Report Author</b>	Estelle Culligan (Director of Law and Democracy)
<b>Portfolio Holder</b>	Cllr Ash Ashbee, Leader of the Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Previously Considered by</b>	General Purposes Committee 30/9/20

## Executive Summary:

A report to adopt a new Grievance Policy for Statutory Officers based on the model Grievance Policy produced by the Joint Negotiating Committee (JNC) for Chief Executives.

## Recommendation(s):

1. To adopt the Grievance Policy for Statutory Officers;
2. To recommend to Council that it appoints the relevant Grievance and Grievance Appeal Committees.

## Corporate Implications

### Financial and Value for Money

There are no financial implications arising directly from this report.

### Legal

The Legal implications are set out in the body of this report.

### Corporate

Adoption of this Policy gives clarity to all parties in the event of a grievance involving statutory officers who are often the most senior officers in the organisation. Having a clear policy and appropriate procedures also provides better protection to the Statutory Officers.

### Equality Act 2010 & Public Sector Equality Duty

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Adoption of the Policy promotes and protects equality among senior and other officers in terms of management of grievances by putting in place clear procedures for managing such grievances.

## **1.0 Introduction and Background**

- 1.1 On 30 September 2020, the Monitoring Officer presented a report for information to the General Purposes Committee outlining the proposed Policy on Grievances for Statutory officers (“the Policy”), link to minutes below:

<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CIId=327&MIId=5751>

- 1.2 The Policy has been written by East Kent HR (EKHR), following a request by the General Purposes Committee for a policy to be written that closely reflects the Joint Negotiating Committee (JNC) model grievance procedures for Chief Executives.
- 1.3 In order for the Policy to apply to the relevant officers, it has been necessary to consult with them to amend their terms and conditions of employment in order to incorporate the JNC terms and conditions. This Policy will apply to those officers whose terms and conditions have been appropriately amended.

## **2.0 The Current Situation**

- 2.1 The previous report suggested that the Policy would be adopted by the report author in her role as Interim Head of Shared Services. However, in light of ongoing procedures relating to grievance and disciplinary matters and the recent interim report from Grant Thornton to the Governance and Audit Committee relating to governance issues in general, it seems more appropriate to refer the final Policy to this Committee for approval and adoption on behalf of the Council.

## **3.0 Options**

### **3.1 Option 1**

To formally adopt the attached Grievance policy and to recommend to Council the appointment of the relevant Committees: Grievance Committee and Grievance Appeal Committee. It is proposed that the composition of the committees is as proposed in the model JNC Policy:

Grievance Committee

- 5 councillors to be appointed by the Council.
- Must be politically balanced.

- Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.
- Terms of Reference - To hear grievances raised by and against statutory officers at the formal stage, to make recommendations and to reach a conclusion.

#### Grievance Appeals Committee

- 3 councillors to be appointed by the Council to include a member of the Executive
- Must be politically balanced
- Councillors must not be members of the Grievance Committee
- Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.
- Terms of Reference - To hear appeals against decisions of the Grievance Committee, to make recommendations and to reach a conclusion.

### 3.2 Option 2

To propose amendments or an alternative to the Policy. Members should be aware that the continuing lack of clear processes for dealing with grievances raised by or against Statutory Officers, causes ongoing issues for the Council which have been commented on by the external auditor.

## 4.0 Next Steps

- 4.1 If the Policy is adopted as proposed, the next step is to report the fact to Council and request Council to create and appoint the membership of the Grievance Committee and Grievance Appeals Committee.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

### Annex List

*Annex 1: Grievance Policy for Statutory Officers*

### Corporate Consultation

**Finance:** *Matthew Sanham (Financial Services Manager)*

**Legal:** N/A