

TELSCOMBE TOWN COUNCIL

GRIEVANCE POLICY

1. Introduction

1.1 This policy is based on the 2015 ACAS Code of Practice and guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. A grievance may be any concern, problem or complaint employees wish to raise with the Council. This Policy sets out the arrangements for employees to raise their concerns. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2. Informal Procedure

2.1 Many problems can be raised and settled during the course of everyday working relationships. Where possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate, it should be raised with the Chair of the Employment Sub-Committee.

2.2 In the case of the Town Clerk raising a grievance, this should in the first instance be raised with the Chair of the Employment Sub-Committee, unless the complaint is about the Chair of the Employment Sub-Committee, in which case the Mayor should handle the Clerk's concerns.

2.3 Where a grievance about a fellow employee is raised informally, after listening to the employee who has made the complaint to understand their concern, the next step should generally be to talk privately to the person complained about. This is to clarify the situation and can help move things forward towards a resolution. If those involved are willing, in some circumstances an independent mediator could help.

3. Formal Procedure

3.1 If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the Chair of the Employment Sub-Committee.

3.2 If relating to the Town Clerk, the formal grievance letter should be addressed to the Chair of the Employment Sub-Committee or likewise if the Town Clerk is making the grievance this should also be addressed to the Chair of the Employment Sub-Committee, unless the complaint is about the Chair of the Employment Sub-Committee, in which case the letter should be addressed to the Mayor.

3.3 The Employment Sub-Committee will appoint a Grievance Panel of three members to investigate the grievance. Similarly, the Employment Sub-Committee will appoint an Appeal Panel of three members to investigate an appeal.

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Each panel will appoint a Chairman from one of its members. No Councillor with direct involvement in the matter shall be appointed to the panel.

4. **Policy Conditions**

This Policy confirms:

- Employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. Employees may also alter their choice of companion if they wish.
The companion will be permitted to address the grievance/appeal meetings, to present the employees' case for his/her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
- The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's 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.
- 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 his/her 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 Data Protection Act 2018.
- Recordings of the proceedings at any stage of the grievance procedure can only be taken with the agreement of all parties present.
- 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 he/she 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 Councils and the employee's consent.
- Discretion and confidentiality will be upheld at all times throughout the process. If required the Chair of the Grievance panel may wish to seek external professional support during this process.

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5. Upon Receipt of a Grievance Letter

Generally, within a reasonable period of time, e.g., 10 working days of receipt of a written grievance, the employee will be asked in writing to attend a grievance meeting. The letter will include the following:

- The names of the Grievance Panel Chairman and other members
- A summary of the employee's grievance based on his/her written submission
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 10 working days of when the Council received the grievance.
- The employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official *or alternative person of their choice*.
- A copy of the Council's grievance policy
- Confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- Confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting

6. The grievance meeting

6.1 At the grievance meeting:

- The Chairman will introduce the members of the panel to the employee.
- The employee (or companion) will set out the grievance and present the evidence.
- The panel may ask the employee what action he/she would like to happen as a result of raising the grievance and bear this in mind when preparing a response.
- Any member of the panel and the employee (or the companion) may question any witness called by prior arrangement with the panel.
- The employee (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 panel.
- The grievance committee will discuss the investigation and findings and agree on a response to the grievance.
- The Chairman will provide the employee with the panel's decision, in writing, within ten working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

7. The appeal

7.1 If an employee is dissatisfied with the outcome of his/her grievance investigation, he/she may submit a written appeal to the Grievance Panel Chairman. An appeal must be received within five working days of the employee receiving the panel's decision and must specify the grounds of the appeal.

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7.2 Appeals may be raised on a number of grounds, e.g:

- The employee thinks the Council's procedure was not applied properly.
- The employee thinks the action proposed by the panel was inadequate/inappropriate
- New evidence has come to light since the grievance meeting

7.3 The appeal will be heard by an Appeal Panel consisting of three members of the Employment Sub-committee who have not been involved in the case. The appeal panel will appoint a Chairman from one of its members.

Generally, within a reasonable period of time, e.g., 5 working days of receipt of a written appeal, the employee will be asked in writing to attend an appeal meeting.

The letter will include the following:

- The names of the Appeal Panel Chairman and other members
- A summary of the employee's appeal based on his/her written submission
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 10 working days of when the Council received the appeal.
- The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

7.4 At the appeal meeting, the Chairman will:

- Introduce the panel members to the employee
- Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the grievance panel.
- Explain the action that the appeal panel may take.
- The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
- The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- The appeal panel may decide to uphold the decision of the grievance panel or substitute its own decision.
- The decision of the appeal panel is final.

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Policy	Grievance
Review Cycle	Every 3 years, or earlier in the event of legislative changes
Date Last Adopted	January 2021
Previous Adoption Dates	n/a
Responsibility	Policy & Resources Committee and then adoption by Full Council