



New Alresford Town Council

Alresford Recreation Centre, The Avenue, Alresford, Hants, SO24 9EP

Tel: 01962 732079. Email: townclerk@newalresford-tc.gov.uk

Website: www.newalresford-tc.gov.uk

Grievance Policy & Procedure

TABLE OF CONTENTS

1	Introduction
2	Using the right procedure
3	Scope
4	Aims
5	Duty of Care
6	Mediation/Independent third party
7	Grievance Procedure - Council
	Related Policies – Code of Conduct, ACAS

Version Control

Version	Owner	Date Approved	Minute Ref	Website Updated	Next Review
VI	Town Council	28.1.2020	19/229	29.1.2020	29.1.22

1. Introduction

This Policy informs staff how to resolve grievances and ensures that grievances are dealt with fairly, promptly and consistently. Grievances are concerns, problems or complaints that employees raise with their employer concerning work related matters.

2. Deciding the Correct Procedure

In the course of normal work, staff may experience problems which, for the most part, can be resolved quickly in discussion with their immediate line manager, or a Councillor if they prefer.

The Ledbury decision in 2018 (Harvey v Ledbury TC), changed the way in which councils must deal with an employee's grievance if the complaint is about the conduct of a Councillor.

- If NATC cannot resolve the matter informally (which can include mediation) the complaint can only be dealt with by the employee submitting their complaint to the principal authority's monitoring officer. NATC has no power to deal with it.
- If the complaint is not a Code of Conduct matter, it can be dealt with under the formal stages of the Grievance procedure.

Regardless of the procedural route decided, there is an expectation that all parties concerned will respect the confidentiality of the situation and behave in a professional manner at all times.

3. Purpose and Scope

This document applies to all staff.

3.1 The Grievance procedure does not apply to the following situations:

- i) where the issue involved is the subject of, or is more appropriately dealt with under a collective procedure with a trade union;
- ii) where the NATC has no control over the matter, although they will give information and advice where possible, to help an employee resolve the issue;
- iii) the procedure has been invoked within six months of the completion of any action under the grievance procedure of the same or similar issue, unless the original action agreed to redress the grievance has not been implemented.

4. Aims

This Policy's aims and objectives are to encourage and maintain good relationships between the NATC and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010

The policy complies with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on disciplinary and grievance procedures (<https://beta.acas.org.uk/code-of-practice-on-disciplinary-and-grievance-procedures> refers).

As far as possible staff are encouraged to resolve issues informally. If a member of staff feels that their complaint is not resolved informally then they should raise a formal grievance.

5. Duty of Care

If a grievance is referred to the principal authority's monitoring officer, NATC duty of care to the member of staff does not cease once the grievance process is formalised. The employer's duty of care requires that it takes all steps which are reasonably possible to ensure employees' health, safety and wellbeing. The duty is wide-ranging and can arise throughout employment. Examples consist of:

- Clearly defining jobs and undertaking risk assessments
- Ensuring a safe work environment
- Providing adequate training and feedback on performance
- Ensuring that staff do not work excessive hours
- Providing areas for rest and relaxation
- Protecting staff from bullying or harassment, either from colleagues or third parties
- Protecting staff from discrimination
- Providing communication channels for employees to raise concerns
- Consulting employees on issues which concern them
- Offering short term counselling

An employer can be deemed to have breached the duty of care by failing to do everything that was reasonable in the circumstances to keep employees safe from harm. Employees also have responsibilities for their health and wellbeing at work. For example, although employees must obey their employer's lawful instructions, they can refuse to undertake work that is not safe. This includes work damaging to their health.

6. Mediation/Independent third party

It may be beneficial to all parties concerned to consider mediation. This is a voluntary process where a mediator helps two or more people in dispute to attempt to reach an agreement and resolve the problem. If this route is taken, then the grievance procedure will be suspended pending the outcome of the mediation.

7. Grievance Procedure

In the interest of fairness, a written record will be kept by NATC of all Grievances reported, which will be agreed and signed by all parties concerned. Records will include but not limited to

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions

- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

The employee has the right to be accompanied to all meetings by an accredited trade union representative, colleague or friend, not acting in a legal capacity in all stages of the Grievance process. If the employee or companion cannot attend the meeting within the required timescale, this can be extended by mutual agreement.

Any relevant materials should be shared at least three days prior to any meeting.

After each meeting the Manager/Chair will give a decision in writing within 5 working days. If it is necessary to gather further information prior to deciding what actions to take, if any, the employee will be informed of the likely timescale which will be no more than 14 days.

7.1 Informal stage

Grievances should be raised as soon as possible following the incident with no unreasonable (without) delay. In the first instance the problem should be discussed in a one to one meeting within 5 working days with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager) the employee should contact the Chair of the Staffing Committee or, if appropriate, another member of the Staffing Committee. If the employee's complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the employee's and the Councillor's consent.

7.2 Formal grievance procedure

A grievance procedure is a formal way for an employee to raise a problem or complaint to their employer.

The employee can raise a grievance if they feel:

- It was not resolved at the informal stage
- They do not want it dealt with informally
- It's a serious issue, for example harassment or whistleblowing

If the employee's complaint is not one that should be dealt with as a code of conduct complaint, the employee may submit a formal grievance. It should be submitted to the Chair of the Staffing Committee.

The Staffing Committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chair from one of its members. No Councillor with direct involvement in the matter shall be appointed to the sub-committee.

7.3 Investigation

If the sub-committee decides that it is appropriate, (eg if the grievance is complex), it may appoint an investigator to investigate the complaint and establish the facts of the case.

- It will be an expeditious investigation and is expected to be concluded within 5 working days.
- May include recorded interviews eg the employee submitting the grievance, other employees, councillors or members of the public.
- The appointed investigator will present their findings within a written report to the sub-committee.
- The employee will be notified in writing of the conclusion of the investigation.

7.4 Notification

Within 10 working days of NATC receiving the employee's grievance, written acknowledgement of receipt will be sent. The employee will be asked in writing, to attend a grievance hearing. This may be longer if there is an investigation. The written notification will include the following:

- The names of its Chair and other members
- The date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the NATC received the grievance
- The employee's right to be accompanied by an accredited trade union representative, colleague or friend, not acting in a legal capacity.
- A copy of the NATC's Grievance Policy
- Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and the employee should provide the names of his/her witnesses as soon as possible before the meeting.
- Confirmation that the employee will provide NATC with any supporting evidence in advance of the meeting, usually with at least three days' notice
- Findings of the investigation if there has been an investigation
- An invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition)

7.5 The Grievance Hearing

At the grievance hearing:

- The Chair will introduce the members of the sub-committee to the employee
- The employee (or companion) will set out the grievance and present their evidence
- The Chair will ask the employee questions about the information presented and will want to understand what action he/she wants NATC to take
- Any member of the sub-committee and the employee (or the companion) may question any witness
- The employee (or companion) will have the opportunity to sum up the case

- The employee (or companion) will have the opportunity to state how they believe the matter should be resolved
- A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

The Chair of the sub-committee will provide the employee with the decision in writing, within 5 working days of the meeting. The letter will notify the employee of the action, if any, and timetable of actions that NATC will take and of the employee's right to appeal.

7.8 Right of Appeal

If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Staffing Committee. An appeal must be received by the NATC within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

Appeals may be raised on a number of grounds for example:

- A failure by NATC to follow its Grievance Policy
- The decision was not supported by the evidence
- The action proposed by the sub-committee was inadequate/inappropriate
- New evidence has come to light since the grievance hearing

The appeal will be heard by The Staffing Appeals Committee There may be insufficient members of the Staffing Appeals Committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members not previously involved in the case. The appeal panel will appoint a Chair from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal hearing. The hearing will normally take place within 25 working days of receipt of the appeal. The employee will be advised that he/she may be accompanied by a trade union official, colleague or friend.

At the appeal meeting, the Chair 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 Staffing sub-committee
- explain the action that the appeal panel may take

The employee or companion will be asked to explain the grounds of appeal

The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within 5 working days of the appeal meeting.

The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.

The decision of the appeal panel regarding the grievance is final.

7.9 Post Employment Grievances

Wherever possible a grievance should be dealt with before an employee leaves their employment with NATC. However, where an employee has already left and the procedure has not been commenced or completed, they are encouraged to attend any meetings in accordance with this procedure so a final decision can be made. If an employee refuses to attend any meetings, NATC will proceed with the meeting in their absence and make a decision based on all the information and evidence available at the time.

Appendix 1: Grievance Procedure

