

# Great Aycliffe Town Council



## GRIEVANCE POLICY & PROCEDURE

<b>Author of Policy:</b>	HR	
<b>Policy Effective from :</b>	January 2016	
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## **GRIEVANCE PROCEDURE**

### **1.0 INTRODUCTION**

- 1.1 Grievances are concerns, problems or complaints that employees raise in respect of their work, working conditions or relationships with colleagues. The purpose of this procedure is to enable the issues to be addressed and where possible resolved. The procedure applies to all employees within the Council.
- 1.2 Employees should aim to settle grievances informally with their line manager with many issues resolved during the course of the working relationship. Where issues/concerns are unable to be resolved in this way an employee should use this procedure. At the informal grievance stage employees have the right to inform their Trade Union (if relevant) in case the matter proceeds to a formal grievance.

### **2.0 APPLICATION OF PROCEDURE**

- 2.1 Grievances should be raised by an employee(s) within **3 months** of the incident/issue taking place or arising. An appropriate manager, who is not the subject of or party to the grievance, should deal with the grievance promptly. In exceptional circumstances this may be extended to allow an investigation of the facts.
- 2.2 There will be matters outside of the control of the Council and the scope of this procedure that therefore cannot be addressed via the Grievance Procedure:
- Statutory adjustments to pay and allowances (e.g. National Insurance, Income Tax, Pension Scheme). These should be discussed with Payroll Services.
  - Personal matters not directly related to employment. Employees may wish to discuss these with their line manager or an HR Advisor.
- 2.3 There are also some issues which the procedure is unable to deal with and other HR procedures should be utilised; e.g.
- Disciplinary Policy & Procedure,
  - Appraisal or Capability Policy & Procedure,
  - Sickness Absence Policy & Procedure,
  - Equality and Diversity Policy
  - Flexible Working Policy
  - Recruitment Procedure
- 2.4 An employee may, during the course of a disciplinary process, raise a grievance. Where the grievance is related to the disciplinary case then it may be appropriate that both matters are dealt with simultaneously. It is advisable that another manager is allocated responsibility for investigating the disciplinary aspect of the case. In instances where the grievance has no relationship to the disciplinary matter then both procedures may be dealt with concurrently.
- 2.5 An employee is entitled to be accompanied throughout the formal stages of the procedure by a work colleague or accredited Trade Union Representative.

- 2.6 Collective Grievances - Where two or more employees raise an identical grievance the employees may agree to have them addressed in the same grievance process. The employees may be represented throughout the formal stages of the process by a work colleague or accredited Trade Union Representative. Collective grievances will follow the same process as an individual employee grievance.
- 2.7 The Town Clerk has overall responsibility for the staff within the Council. These responsibilities may be delegated to other senior managers as appropriate.
- 2.8 It should be noted however, that any manager or Elected Member hearing the case must have had no previous involvement in the grievance process.
- 2.9 In the case of a grievance against a senior manager, the Town Clerk will undertake the role of manager as referred to throughout the procedure and, if necessary will be advised by the Council's HR Consultant. In the case of a grievance against the Town Clerk, the matter will be referred to Chairman of the Policy & Resources Committee who, with a second member of the Personnel Sub-Committee will investigate the grievance, advised by the Council's HR Consultant.
- 2.10 The Manager/Town Clerk should ensure that all employees have the right to appeal at any of the formal stages to another senior manager/Town Clerk or the Member Appeal Panel (Elected Members drawn down from the Council's Personnel Sub-Committee), who have not been involved in the case or decision connected with the Grievance Procedure.
- 2.12 The Investigator appointed to undertake the investigation should be of an appropriate managerial level, have had no prior involvement in the case and must not be an individual who is named in the grievance.

### **3.0 INFORMAL STAGE**

- 3.1 It is hoped that grievances will be resolved at the informal stage without the necessity to proceed to the formal stage.
- 3.2 The aggrieved member of staff should discuss the grievance with his/her line manager. If the grievance concerns the line manager, the matter should be discussed with either the Corporate & Policy Officer or Finance Manager as appropriate and if it relates to the either of those post holders, the employee should contact the Town Clerk. If the matter relates to the Town Clerk the employee should write to the Chairman of the Policy & Resources Committee.
- 3.3 Where the member of staff requests a personal interview with a senior member of staff, the request shall be granted within 5 working days.
- 3.4 Where appropriate, the senior member of staff shall seek to resolve the problem personally or, by mutual agreement, in consultation with other members of staff. The Manager may also seek advice from the Council's HR Consultant.

## **4.0 FORMAL GRIEVANCE**

- 4.1 If the informal process fails to resolve the issue or where the grievance is of such a serious nature that an informal process cannot be followed, the employee is required to submit his/her grievance in writing to the line manager/Corporate & Policy Officer/Finance Manager or, if it concerns the Corporate & Policy Officer/Finance Manager, to the Town Clerk by completing a Grievance Form shown at Appendix 1. This should include as much detail as possible about the issues/concerns and the outcome the employee is seeking as remedy of the situation. If the matter concerns the Town Clerk, the form should be submitted to the Chairman of the Policy & Resources Committee.
- 4.2 On receipt of the written grievance, the Manager will acknowledge the grievance in writing and will arrange a meeting to discuss the matter and investigate the grievance within 10 working days of receipt of the completed grievance form. The employee must take all reasonable steps to attend the meeting. The employee should be in a position to show the Manager any supporting evidence of the complaint or to indicate any witnesses of the events of the grievance.
- 4.3 The employee will receive a written reply from the Manager, normally within 10 working days after the initial meeting, informing them of the decision unless, by agreement, the period is extended. The employee will also be told of the right to appeal if they are not satisfied with the outcome.

## **5.0 APPEAL MEETING**

- 5.1 If the employee is dissatisfied with the outcome and wishes to pursue the matter further, they may appeal by sending a copy of the completed grievance form with a covering letter outlining the grounds for appeal to the Corporate & Policy Officer/Finance Manager or Town Clerk or Chairman of the Policy & Resources Committee as appropriate.
- 5.2 The Manager/Senior Officer/Town Clerk or Chairman, as appropriate, will acknowledge the grievance appeal in writing. The employee will then be invited to attend a meeting to discuss the appeal.
- 5.3 Employees will be contacted with the appeal arrangements as soon as possible and will be informed of their right to be accompanied at the appeal meeting by a work colleague or accredited trade union representative.
- 5.4 Records and notes of the meetings will be made available to the Member Appeal Panel prior to hearing the appeal. (Elected Members drawn from the Council's Personnel Sub-Committee and the Town Clerk if the allegation is not against him.)
- 5.5 At the meeting the employee will have the opportunity to explain what the grievance is and why they are dissatisfied with the outcome of the initial grievance stage. This meeting will take place within 10 working days unless it is mutually agreed that there is a different timescale. The employee must take all reasonable steps to attend the meeting.
- 5.6 The Manager/Town Clerk/Senior Officer/Chairman of the Member Appeal Panel will conclude the investigation, including discussion with the Manager/Elected Members who initially investigated the grievance.

- 5.7 The Town Clerk or Chairman of the Member Appeal Panel will issue the decision in writing within 5 working days of meeting. This period may be extended if further investigation is needed. If this is the case the employee will be informed in writing. The Appeal decision shall be final and there will be no further right of appeal.
- 5.8 The procedure to be followed at the Appeal Meeting is shown at Appendix 2.

## **6.0 ADDITIONAL INFORMATION**

- 6.1 Throughout all stages of the procedure the employee will be expected to continue working normally. However, in exceptional circumstances with the agreement of all parties if this is not practicable then it may be possible for the person to be moved elsewhere within the Council. If the grievance is against a member of the Senior Management Team or the line manager, the employee should still carry out their normal day to day duties, wherever possible.
- 6.2 Every effort will be made to deal with the grievance as speedily as possible. It should be remembered, however, that some cases need time to investigate fully. The employee will be given every opportunity in the meeting to explain the details of the case.
- 6.3 If the employee's representative is unable to attend on the specified date, the employee may request that the meeting be postponed and suggest an alternative date within five working days of the original date. This will only be accommodated on one occasion. Where the employee is unable to attend the rescheduled meeting without justifiable reason then management will assume the employee no longer wishes to progress his/her grievance.







**FORMAT OF GRIEVANCE APPEAL MEETING**

**THE GRIEVANCE PROCEDURE ALL STAFF**

1. Introduction by the Manager/Chairman of the Member Appeal Panel and a reminder to all present of:
  - a) the procedure under which the meeting has been called;
  - b) the manner in which the meeting will be conducted as set out below in paragraphs 2-12;
  - c) the degree of confidentiality;
  - d) those present and the purpose of the meeting;
  - e) the supporting papers.
2. Explanation by the member of staff and/or representative of the detail of the grievance, the reasons for the appeal and how the grievance might be resolved.
3. Questions from the Appeal Panel Members.
4. Opportunity for the member of staff and/or representative to submit any final points.
5. Withdrawal by the member of staff and representative(s)
6. Explanation by line manager/senior officer/Town Clerk/Chairman of the initial panel for decision taken in respect of grievance claim
7. Questions by Chairman/Appeal Panel Members
8. Opportunity for the Manager/Chairman of initial panel to submit any final points.
9. Withdrawal by the Manager/Chairman of initial panel
10. Consideration of the matter by the Chairman/Panel of the Member Appeal Panel.
11. Appeal Panel to undertake further investigation where necessary.
12. Within 5 working days of the meeting, the Chairman of the Member Appeal Panel (or his/her nominee) to confirm the decision of the Panel to the employee, in writing, following, if appropriate, further investigation of any matters raised.
13. If the grievance is particularly complex, or if further investigation is needed, the Chairman (or his/her nominee) will write to the employee with an interim reply and a commitment when a final decision will be reached.
14. The decision of the Member Appeal Panel shall be final and there will be no further right of appeal.