

Great Aycliffe Town Council



GRIEVANCE POLICY & PROCEDURE

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GRIEVANCE POLICY & PROCEDURE

INTRODUCTION

- 1 Great Aycliffe Town Council is committed to creating and sustaining a working environment that is fair to all and free from unlawful discrimination, harassment, victimisation and bullying. Everyone working at the council is responsible for their own behaviour and should treat colleagues with dignity, respect and courtesy and ensure that they are valued for their skills and abilities.
- 2 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 quickly and in a fair and reasonable manner.
- 3 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.
- 4 The policy and procedure applies to all employees within the Council.

RESPONSIBILITIES

- 5 All employees have a responsibility to ensure that they comply with this policy and to be aware of their own behaviour and the effect it may have on other people and to treat everyone with respect and dignity.
- 6 Managers are responsible for ensuring that this policy and procedure is fairly and consistently implemented. They must ensure that they deal with grievances, whether verbal or written, equitably, without discrimination, and as quickly as possible.
- 7 Senior Management Team are responsible for communicating the policy and providing advice and guidance to managers to ensure it is operated in a fair and effective manner.
- 8 The Town Clerk has overall responsibility for the staff within the Council. These responsibilities may be delegated to other senior managers as appropriate.
- 9 All information will be dealt with under the provisions of General Data Protection Regulations 2018, any personal data will be treated in a secure and confidential manner and will not be kept for longer than necessary.

APPLICATION OF PROCEDURE

- 10 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.

- 11 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,
 - Performance Management Policy & Procedure,
 - Sickness & Absence Policy & Procedure,
 - Equality and Diversity Policy
 - Flexible Working Policy
 - Recruitment Procedure
- 12 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.
- 13 An employee is entitled to be accompanied throughout the formal stages of the procedure by a work colleague or accredited Trade Union Representative.
- 14 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.

INFORMAL STAGE

- 15 It is hoped that grievances will be resolved at the informal stage without the necessity to proceed to the formal stage.
- 16 The aggrieved member of staff should, if they feel confident enough speak to the individual informally to discuss their concerns and try to resolve issues. If the employee is unable to raise it with the individual they should discuss the grievance with their line manager. If the grievance concerns the line manager, the matter should be discussed with a Senior Manager, and if it relates to them the employee should contact the Town Clerk. If the matter relates to the Town Clerk the employee should write to the Chairman of the Personnel Sub-Committee.
- 17 Where the member of staff requests a personal interview with a senior member of staff, the request shall be granted within 5 working days.
- 18 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 Advisor.
- 19 There is no appeal against informal action.

FORMAL GRIEVANCE

- 20 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, it would progress to the formal stage. The employee is required to submit their grievance in writing in the first instance to the line manager. If the grievance is against the Manager the grievance should be submitted to a Senior Manager or, if it concerns them, 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 Personnel Sub-Committee.
- 21 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.
- 22 If the person accompanying the employee cannot attend on the date suggested, the Investigating Officer should suggest another date, not more than 5 working days after the original date. This time limit may be extended by mutual agreement.
- 23 The Investigating Officer can also arrange a meeting with anyone else involved in the grievance
- 24 The purpose of the meeting is to:
- Clarify the nature of the grievance
 - Identify what further information is needed
 - Discuss the employee's proposals for resolving the issues
 - Establish if a longer timescale will be necessary
- 25 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.
- 26 It should be noted that any manager or Elected Member hearing the case must have had no previous involvement in the grievance process.
- 27 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 Advisor. In the case of a grievance against the Town Clerk, the matter will be referred to Chairman of the Personnel Sub-Committee who, with a second member of the Personnel Sub-Committee will investigate the grievance, advised by the Council's HR Consultant.

OUTCOMES

- 28 The list below is not exhaustive but gives some examples of the possible outcomes of a grievance investigation.
- 29 Grievance not upheld

Where the Investigating Officer has not found sufficient evidence to support any of the allegations made, the grievance will not be upheld and there will be no further action taken.

30 Grievance upheld (either in whole or in part)

Where the Investigating Officer has found sufficient evidence to support all or some of the allegations made, there are a number of outcomes to consider in relation to each allegation:

- **No further action**
- **Formal mediation** - mediation may be suggested as an outcome as a way to resolve the grievance. This may have been entered into or suggested earlier in the process, however, in light of the findings of the investigation the Investigating Officer may feel that it would help resolve the situation.
- **Action plan** - the Investigating Officer may recommend the production of an action plan aimed to address the behaviour which has caused the problem. The action plan may include objectives, target setting and training.
- **Permanent redeployment** – the Investigating Officer should consider whether contact between the parties is likely to occur during the course of their job and whether this is acceptable. Every effort should be made to redeploy the person against whom the complaint has been made, however, it may be necessary to consider which party may be most appropriately redeployed having fully considered the views of the complainant.
- **Disciplinary action** - where it is clear that a conduct issue exists and there is a case to answer, disciplinary action may be considered. Further information can be found in the Council's Disciplinary Policy.

COMMUNICATING THE OUTCOME

- 31 The Investigating Officer will provide a written response to the employee, summarising the outcome of the grievance investigation.
- 32 The Investigating Officer may feel that it is appropriate to arrange a meeting with the employee to talk through the findings and explain how they reached their decision

APPEALS

In instances where the Town Clerk is the Line Manager the Appeal will be held with the remaining members from the Personnel Sub-Committee who will undertake the tasks outlined below.

- 33 An employee has the right to appeal if a grievance is not upheld if they feel there is a substantive reason to justify this. Appeals will be dealt with under the the Council's Appeals Notification and Procedure.
- 34 The time scale for requesting an appeal will be five working days from the date of the written confirmation of the outcome of the investigation.

The decision of the Member Appeal Panel will be final.

DATA PROTECTION & CONFIDENTIALITY

- 35 The Council processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its GDPR policy and the employee privacy statement. In particular, data collected as part of the investigation stage and any subsequent stages of disciplinary action is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.
- 36 We will keep records of any action taken under these disciplinary procedures. Wherever possible, these records will be treated as confidential.

ADDITIONAL INFORMATION

- 37 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.
- 38 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.
- 39 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.

DEALING WITH ABUSES OF THE POLICY

- 40 Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.
- 41 This policy does not give contractual rights to individual employees. The Town Council reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.