



# Devizes Town Council

## GRIEVANCE PROCEDURE

If a problem arises at work that, despite your best efforts, cannot be resolved informally, the council has in place a grievance procedure that provides you with a framework in which to express your concerns. The council undertakes to listen carefully throughout and to strive for a fair and reasonable outcome.

### 1. PURPOSE

It is the policy of the council to give employees the opportunity to air and seek redress for any individual employment grievance, which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the council with the exception of those matters which have an alternative channel for resolution.

This document describes the procedure, which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. It is not intended to replace or restrict the normal interchanges between employee and supervisor about day-to-day issues or problems. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

- a) This procedure applies to all Town Council employees.
- b) It is recognised that certain matters about which an employee may feel aggrieved should be pursued through alternative channels, or may otherwise be inappropriate for consideration under this procedure. Therefore, it is not intended that this procedure apply to: -
  - grading of posts and appeals flowing there from
  - bonus payments
  - pension matters
  - National Insurance matters and Income Tax
  - disciplinary matters, including dismissals in respect of which there is a separate agreed procedure.
  - Redundancy dismissals or the non renewal of fixed term contracts on their expiry

### 2. PRINCIPLES

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently
- c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.

- e) At no time will an employee be penalised or victimised for having raised a Grievance against the council

### **3. PROCEDURE**

**3.1** Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management.

In the case of the Town Clerk raising a grievance, this should be directed to the Chair of the Personnel Panel of the council unless the complaint is about the Chair of the Personnel Panel in which case another Member can be identified to handle the Clerk's concerns.

The recipient of the grievance from the Town Clerk should advise the Personnel Panel that a grievance has been received although care should be taken to ensure that the matter is treated with discretion and confidentiality at all times.

Professional advice can be sought from South West Councils to which the Council is affiliated.

**3.2 Written Statement:** If the matter cannot be resolved informally as a matter of a normal management exchange, then the employee needs to submit a formal grievance in writing.

The statement should set out the grievance and should explain how the employee thinks the matter should be resolved.

**3.3 Meeting or Hearing:** The person receiving the grievance will, within ten working days of receipt of a written complaint, make arrangements for a meeting with the employee.

Ideally the meeting will take place within ten working days or as soon as is practicable thereafter. The person making the arrangements will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

The meeting will follow the same procedure as the Disciplinary Policy.

An investigation of the substance of the complaint will be undertaken and submissions will be heard from the employee concerned together with such other submissions or evidence as considered appropriate. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement.

There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the person hearing the grievance may wish to make investigations through interviewing these individuals and/or other witnesses separately.

**3.4 Response:** The person hearing the grievance will advise of the decision to the employee in writing within ten working days and, where appropriate, include an action plan to assist in the resolution of the problem. This may include a proposal for mediation.

**3.5 Appeal:** If the employee is dissatisfied with the decision on the complaint, they may appeal in writing within ten working days of the decision being notified to them.

The appeal will be to an Appeal Panel of three elected members who have not been involved with the grievance thus far.

An appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

On receipt of the appeal the council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as considered appropriate without unreasonable delay. The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as may be considered necessary to resolve those issues.

The decision of the Appeal Hearing will be final.

The council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing within ten working days of the Appeal Hearing or as soon as is practicable.

**3.6 Right to be Accompanied:** At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

**3.7 Confidentiality:** So far as is reasonably practicable, the council will keep any grievance or complaint of harassment confidential between the manager or Member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### **3.8 Grievances raised during Disciplinary action**

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. In these circumstances the disciplinary matters will be placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently.