



# WINCANTON TOWN COUNCIL

## GRIEVANCE POLICY AND PROCEDURES

### 1. Introduction

- 1.1. The Council recognises that individual employees or groups of employees may, from time to time, feel aggrieved about an aspect of their employment and accepts that each employee has the right to raise this grievance and to expect that management will consider it and respond.
- 1.2. The purpose of this policy is to provide a framework for dealing promptly and fairly with such grievances. The aim is to resolve grievances as near as possible to their point of origin.
- 1.3. Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:
  - Grievances that have already been considered in accordance with the procedure;
  - Grievances arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
  - Grievances in respect of issues over which the Council has no control. e.g. external legislation; and
  - Grievances that are already the subject of a collective grievance or dispute.
- 1.4. 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.
- 1.5. 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 Council's and the employee's consent.
- 1.6. Recordings of the grievance proceedings at any stage of the grievance procedure are prohibited, unless mutually agreed as a reasonable adjustment that takes account of an employee's medical condition.
- 1.7. The timescales shown in the accompanying procedure may be altered by mutual agreement.
- 1.8. This policy will be the subject of periodic review. Responsibility for conducting this review will rest with the Town Clerk.

## 2. Informal Grievance Procedure

- 2.1. Where an employee is aggrieved about any matter relating to their employment, they should raise the matter informally with the Town Clerk as soon as possible and, other than in exceptional circumstances, within **twenty working days** of the incident or event. However, employees will be permitted to raise as part of a grievance a series of directly related incidents having a cumulative effect.
- 2.2. The Town Clerk should consider and seek to resolve the grievance within ten working days. Whether or not this proves possible, the Town Clerk should in every case inform the employee of the decision and, if appropriate, any action taken.
- 2.3. Employees may wish to seek the advice of a trade union representative or work placed colleague prior to raising a grievance at this informal level.
- 2.4. If the employee does not want to discuss their grievance with the Town Clerk (for example, because it concerns the manager), the employee should contact the Chair of Personnel Committee.

## 3. Formal Grievance Procedure

- 3.1. If the employee is not satisfied with the result of the informal process, they can take the matter up with the Chair of Personnel Committee, in writing, stating the nature of the grievance. This should be done within **ten working days**.
- 3.2. The Chair of Personnel Committee will appoint a panel of three members who will meet with the employee to discuss the grievance as soon as possible and normally within **ten working days** of when the Council received the grievance.
- 3.3. The panel will appoint a chair from one of its members. No councillor with direct involvement in the matter shall be appointed to the committee.
- 3.4. The Council will give employees reasonable notice of the date of the grievance meeting. 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.
- 3.5. If the panel hearing the grievance determines that further investigation is required – having listened to the employee's submission – the meeting will be adjourned for a period during which time the panel or an appropriate appointed investigator will conduct any necessary research; including, if appropriate, liaising with other parties. The investigation will be concluded as soon as reasonably practicable.
- 3.6. It is not expected that other parties would attend the reconvened hearing. However, if it is determined by the panel that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved individual during the course of the hearing.
- 3.7. A formal written response to the grievance should be issued within **5 working days** of either the initial or subsequent grievance hearing as appropriate.

## **4. The Appeal**

- 4.1. If the employee is still aggrieved, the employee may submit a written appeal to the Chair of Personnel. An appeal must be received by the Chair of Personnel within **ten working days** of the employee receiving the panels decision and must specify the grounds of appeal.
- 4.2. The Appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. The appeal panel will appoint a chair from one of its members.
- 4.3. The employee will be notified, in writing, within **ten working days** of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within **twenty working days** of the Council's receipt of the appeal.
- 4.4. The employee will be advised that they may be accompanied by a trade union representative or workplace colleague.
- 4.5. The panel will inform the employee that they will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- 4.6. There is no further right of appeal.

## **5. Grievances Relating to the Town Clerk**

- 5.1. If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Chair of Personnel Committee.
- 5.2. If the grievance is being raised by the Town Clerk on their own behalf, the grievance should be submitted in writing to the Chair of Personnel Committee as above.

## **6. Representation**

- 6.1. Employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or workplace colleague.
- 6.2. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for their 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 their case.

## **7. Data protection**

- 7.1. The Council processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.

7.2. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Councils data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Councils disciplinary procedure.

Adopted at the Full Council Meeting on 24<sup>th</sup> August 2020      Minute 0086

Review Date February 2021 (if required) or August 2021