

## **PADDOCK WOOD TOWN COUNCIL GRIEVANCE PROCEDURE**

### **1 PRINCIPLES**

The Grievance Procedure applies to all employees of the Council - it exists to ensure that grievance problems at work are solved as quickly and as fairly as possible. It is intended that both the Council and its employees should view the use of this procedure in a constructive light.

The aim of the Grievance Procedure is to settle grievances fairly and it is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made in order to avoid proceeding to the next stage and to settle the issue amicably.

In the case of a grievance being taken out as a counter-grievance, or in response to the instigation of disciplinary action, it may be appropriate to deal with both issues concurrently. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

If an employee has a problem with any other member of staff, and is unable to sort it out informally, the matter should be referred to his/her immediate supervisor/line-manager. You may be able to agree an informal solution between you. In some cases this may also involve assistance such as mediation.

If the problem is serious or remains unresolved or the employee wishes to raise the matter formally, the employee can invoke the formal grievance procedure.

At each stage of the procedure, there will be at least one meeting to discuss the grievance.

At each stage of the procedure an employee is entitled to be represented or accompanied by his or her union representative or by a work colleague of his/her choice.

The date and time of (any) grievance hearing(s) shall be agreed between the employee, his/her representative and the representative of management.

The employee and his/her representative will be allowed an adequate time to prepare the employee's case, within the time limits as set out below.

### **2 THE PROCEDURE**

A grievance should be raised without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.

In all cases and at all stages, the employee must detail in writing the specific

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circumstance or circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable. Employees should stick to the facts and avoid insulting or abusive language.

The procedure has three stages as set out below. At each stage of the procedure formal records shall be kept, and the result of each stage shall be confirmed in writing. The employee is encouraged to keep his/her own records, and is entitled to record his/her disagreement as to the accuracy of the formal records or of the result.

At each stage of the Grievance Procedure the person or panel hearing the case shall undertake a full investigation and there shall be a hearing, to allow the employee to put his/her case and state how they would like to see it resolved.

The stages of the procedure are as follows:

### **Stage I**

Any grievance should first be raised in writing with the immediate supervisor/ line-manager who should attempt to settle it as soon as possible. S/he will invite the employee to attend a meeting, normally within **5 working days**, to discuss the matter. The line-manager will hold any additional meetings as would, in her/his view, resolve the grievance. The line-manager may adjourn the meeting if it is necessary to investigate any new facts that arise.

If the grievance is against the immediate line-manager, the matter should be raised with the Town Clerk. If the grievance is against the Town Clerk then the matter should be raised with the Chairman of the Council, or his/her representative. Whoever deals with the grievance at this stage, will be excluded from hearing the case at any later stage.

### **Stage II**

If not resolved by the line-manager within **ten working days**, the matter may be raised with the Town Clerk, or the Chairman. The grievance should be set out in writing, dated and sent to the Town Clerk or Chairman. The Town Clerk or Chairman will call a hearing to take place within **ten working days** of the matter being formally raised. Town Clerk or Chairman shall ensure that a minute-taker is present. See conduct of the hearing in paragraph 8 below.

### **Stage III - Appeal**

If still unresolved, the matter may be referred, in writing, to the Personnel Committee (through the Chair), who shall appoint an Appeal Panel consisting of not less than three representatives of the Council. The members of this panel should, if at all possible, have had no direct involvement in the case. One member of the Panel shall be elected Chair. The Panel shall ensure a minute-taker is present.

The Appeal Panel will hold a hearing as soon as possible, but not later than **fifteen working days** from the receipt of the formal notification from the employee.

The decision of the Appeal Panel shall be final.

### **3 GROUP GRIEVANCE**

Where a group of employees has a collective grievance the procedure should start at Stage II above.

### **4 INFORMAL MEETINGS**

The procedural steps detailed above will not preclude any informal meetings, which may from time to time be considered mutually to be appropriate.

### **5 TIME LIMITS**

The time limits expressed in this procedure will be regarded as the normal maximum time limits required. They may, however, be extended by mutual agreement.

### **6 REVIEW**

This procedure may be reviewed and altered from time to time as appropriate and any changes agreed with employees.

### **7 EXAMPLES OF POSSIBLE REASONS FOR A GRIEVANCE**

It is not the aim of this procedure to deal with reasonable and justifiable managerial decisions, which an employee may disagree with. The list provided below is not exhaustive and there may be other examples of possible reasons for a grievance:

- ❖ unreasonable/unjustified refusal to grant annual leave;
- ❖ unreasonable/unjustified refusal to grant an approved absence;
- ❖ provision of conflicting, contradictory instructions/supervision;
- ❖ unjustified refusal to provide support/supervision when requested;
- ❖ persistent lack of support/supervision which affects the employee's ability to carry out his/her job;
- ❖ refusal to deal with, or inadequate resolution of work problems between colleagues;
- ❖ unwillingness or failure to deal with health & safety issues.

### **8 GRIEVANCE HEARING – STAGE II**

- (i) Town Clerk or Chairman must convene a grievance hearing within **ten working days** of receiving the employee's written grievance.
- (ii) Town Clerk or Chairman will introduce the meeting, read out the grounds of the employee's grievance, ask the employee/representative if they are correct and require the employee/representative to provide clarification regarding details of the grievance if unclear.
- (iii) The employee/representative will be given the opportunity to put forward her/his case and say how they would like to see it resolved.
- (iv) The employee/representative may call witnesses and refer to any documents previously provided to the line manager.

- (v) Town Clerk or Chairman and the line manager may question the employee and any of the employee's witnesses.
- (vi) The Town Clerk or Chairman and the employee/representative may question the line-manager who dealt with Stage I of the procedure.
- (vii) The employee/representative will be given the opportunity to sum up but may not introduce any new material.
- (viii) Town Clerk or Chairman will adjourn the hearing and give due consideration to the case. S/he may need to seek technical and professional advice and information from internal and external sources as appropriate (e.g., advice and information on employment law or the Council's personnel policies and procedures, etc.). Town Clerk or Chairman may adjourn the hearing for up to **fifteen working days**.
- (ix) The Town Clerk, or Chairman may adjourn the hearing, if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.
- (ix) Having considered the case, Town Clerk or Chairman will give her/his decision regarding the case and confirm this in writing to the employee within **five working days**. S/he will also inform the employee of her/his right of appeal, which must be made to the Chair of the Personnel Committee within **ten working days** of receipt of the written decision.

## **9 APPEAL HEARING – STAGE III**

- (i) The Personnel Committee shall create an Appeal Panel as set out under section 2, Stage III – Appeal above. An Appeal Hearing will be held as soon as possible, but not later than **fifteen working days** from the receipt of the formal notification from the employee.
- (ii) The Chair of the Appeal Panel will introduce the meeting, read out the grounds of the employee's appeal, ask the employee if they are correct and require the employee to provide clarification if any of the grounds of appeal are unclear.
- (iii) The employee will be given the opportunity to put forward her/his case, explain why s/he is not satisfied with the outcome at **Stage II**. The employee may call witnesses and refer to the Town clerk, or Chairman's written decision and any other documents circulated to the Town Clerk or Chairman prior to the appeal hearing.
- (iv) Members of the Appeal Panel may question the employee and any of the employee's witnesses.
- (vi) Members of the Appeal Panel and the employee may question the Town clerk or Chairman who dealt with Stage II of the procedure.
- (vii) The employee will be given the opportunity to sum up but may not introduce any

new material.

- (viii) The Chair of the Appeal Panel will adjourn the hearing and the Panel will give due consideration to the case. It will be acceptable for the Chair of the Appeal Panel, on behalf of the Panel, to seek technical and professional advice and information from internal and external sources as appropriate (e.g. advice and information on employment law or the Council's personnel policies and procedures, etc.). The Chair of the Appeal Panel may adjourn the hearing for up to **fifteen working days**.
- (ix) The hearing may be adjourned by the Chair of the Appeal Panel if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.
- (x) Once the Appeal Panel has reached a decision, the Chair of the Appeal Panel will recall the employee, give the Appeal Panel's decision and confirm this in writing within **ten working days**.

**The decision of the Appeal Panel will be Final.**

## **10 RECORDS**

Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998, which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.

## **11. BULLYING OR HARRASSMENT**

If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's Line Manager, or another manager/Member if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being elected Members a Code of Conduct complaint lodged by the council through the Standards process/Ombudsman in Wales  
Refer to the Dignity at Work/Bullying and Harassment Policy for further details

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