



## **Grange-over-Sands Town Council**

### **Grievance Procedure**

**May 2022**

#### **1. About this procedure**

- 1.1. This policy is based on and complies with the ACAS Code of Practice and Guidance on discipline and grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out arrangements for you to raise concerns, problems or complaints about your employment with the Council and will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 1.2. Most grievances can be resolved quickly and informally through discussion with your line manager or if your grievance relates to your line manager the Chairperson of the Staffing Committee or another member of the Staffing Committee. If this does not resolve the problem, you should initiate the formal procedure set out below. (If your grievance is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the consent of you and the councillor).
- 1.3. This procedure applies to all employees regardless of length of service.
- 1.4. This procedure does not form part of any employee's contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case.
- 1.5. Where your grievance is about the conduct of a councillor and therefore amounts to a Code of Conduct complaint a separate process must be followed in accordance with the High Court decision in R (Harvey) v Ledbury Town Council (2018). You will need to raise your grievance in writing to the Council's principal monitoring officer. In all other cases the Grievance procedure documented below should be followed.

#### **2. The Grievance Process**

##### **2.1. Step 1: written grievance**

- a. You should put your grievance in writing to the Chairman of the Council's Staffing Committee.
- b. The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it.
- c. The Staffing Committee will appoint a sub-committee of three members to hear your grievance. The sub-committee will appoint a Chairperson from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.
- d. If the sub-committee decides that it is appropriate (e.g., if the grievance is complex), it may appoint an investigator to conduct an investigation before the grievance meeting to establish

the facts of the case. The investigation may include interviews (e.g., the employee submitting the grievance, other employees, councillors or members of the public).

- e. The investigator will summarise their findings (usually in an investigation report) and present their findings to the sub-committee.

## 2.2. Step 2: Grievance Meeting

- a. Within 10 working days of the Council receiving your grievance (or such longer period as is necessary to allow an investigation), you will normally be asked, in writing, to attend a grievance meeting. The written notification will include:
  - The names of the Chairperson and other members.
  - The date, time and place for the meeting. You will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received your grievance.
  - Your right to be accompanied by a workplace colleague, a trade union representative or a trade union official.
  - A copy of the Council's Grievance Procedure.
  - Confirmation that, if necessary, witnesses may attend (or submit a witness statement) on your behalf and that you should provide the names of your witnesses as soon as possible before the meeting.
  - Confirmation that you will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
  - The findings of the investigation if there has been one.
  - An invitation for you to request any adjustments to be made for the hearing (for example where you have a health condition).
- b. You should make every effort to attend. You may bring a companion to the grievance meeting if you make a reasonable request in advance and tell us the name of your chosen companion. The companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to function as your companion.
- c. If you or your companion cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.
- d. The procedure to be followed at the Grievance Meeting is as follows:
  - The Chairperson will introduce the members of the sub-committee.
  - You (or your companion) will set out the grievance and present the evidence.
  - The Chairperson and/or panel members will ask you questions about the information presented and will want to understand what action you want the Council to take.
  - Any member of the sub-committee, you (or your companion) can question any witness.
  - You (or your companion) will have the opportunity to sum up your grievance.

- e. We may adjourn the meeting if we need to conduct further investigations, after which the meeting will usually be reconvened.
- f. We will write to you, usually within 10 days of the last grievance meeting, to confirm our decision and notify you of any further action that we intend to take to resolve the grievance. We will also advise you of your right of appeal.

### 2.3. Step 3: appeals

- a. If the grievance has not been resolved to your satisfaction you may appeal in writing to the Staffing Committee (or such other person named in the Grievance outcome letter), stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- b. Appeals may be raised on a number of grounds, e.g.:
  - A failure by the Council to follow its Grievance policy resulting in some unfairness to you.
  - The decision was not supported by the evidence.
  - The action proposed by the sub-committee was inadequate/inappropriate.
  - New evidence has become known since the Grievance meeting.
- c. The appeal will be heard by a panel of three members of the Staffing Committee who have not previously been involved in the case. There may be insufficient members of the Staffing Committee who have not previously been involved, if so, the appeal panel will be a committee of three Council members who may include members of the Staffing Committee. The appeal panel will appoint a Chairperson from one of its members.
- d. We will notify you, in writing, usually within 10 working days of receipt of your appeal of the time, date and place of the appeal meeting. The meeting will usually take place within 25 working days of the Council's receipt of the appeal. You have the right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- e. At the appeal meeting, the Chairperson will:
  - Introduce the panel members to you.
  - Explain the purpose of the meeting, which is to hear your reasons for appealing against the decision of the staffing sub-committee.
  - Explain the action that the appeal panel may take.
- f. You (or your companion) will be asked to explain your grounds of appeal.
- g. The Chairperson will inform you that you will receive the decision and the panel's reasons, in writing, within 10 working days of the appeal meeting.
- h. The appeal panel may decide to uphold the decision of the Staffing Committee or substitute its own decision.
- i. There is no further right of appeal.