

Stone

Town Council



Grievance Procedure

January 2021

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1 INTRODUCTION

- 1.1 Anybody working within Stone Town Council may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about. They will want their grievance to be addressed and, if possible resolved.
- 1.2 Issues that may cause grievances include:
- a. equal opportunities
 - b. bullying and harassment
 - c. work relations
 - d. new working practices
 - e. organisational change
 - f. working environment
 - g. health and safety
 - h. terms and conditions of employment
- 1.3 Grievances may occur at any level and apply equally to all employees.
- 1.4 The best method of resolving any general staff complaints is by informal discussion with the employee's immediate Line Manager. Dealing with problems in such a way will usually lead to speedy resolutions. However, when problems cannot be resolved, formal procedures should be followed.
- 1.5 The option of using a mediator, where appropriate, as an independent third party will be considered. The third party could be an internal mediator as long as they are not involved in the issue, or in some cases an external mediator may be more appropriate. This option will be on a voluntary basis and will only be used if both parties agree to it.
- 1.6 The purpose of these Grievance Procedures is to ensure that there is a system in place whereby employees can raise a grievance matter formally. It should be used when employees have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed, and which have not been resolved on an informal basis. These procedures allow for any grievance to be dealt with fairly and speedily before it develops into a major problem.

2 STAGE 1 - STATEMENT OF GRIEVANCE

- 2.1 The employee must set out the grievance in writing, together with their proposed solution for addressing it, and send a copy to the Town Clerk¹.
- 2.2 If the grievance is not contested and easily resolvable, the Town Clerk should respond in writing to the grievance within five working days. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

3 STAGE 2 - MEETING

- 3.1 If the grievance is more complicated and/or contested, the Town Clerk must invite the employee to attend at least one meeting to discuss the grievance. The Town Clerk will be accompanied by an officer not involved in the grievance or, if this is not possible or appropriate, an independent third party².
- 3.2 The meeting must not take place unless:
 - a. The employee has informed the Town Clerk what the basis for the grievance was when he or she made the statement as referred to in 2.1 above; and
 - b. The other party involved in the grievance has had a reasonable opportunity (at least three working days) to consider his/her response; and
 - c. The employee has been advised that he or she may be accompanied and assisted by another employee or a trade union representative of his or her choice³.
- 3.3 The employee must take all reasonable steps to attend the meeting.
- 3.4 Depending on the nature of the grievance, it might be necessary for the Town Clerk to undertake an investigation and this will be discussed with the employee at the meeting.
- 3.5 Following the meeting, the Town Clerk must inform the employee in writing of his/her decision as to his/her response to the grievance, where possible, within five working days after the meeting. The employee must also be informed of his/her right to appeal.

¹ References to the Town Clerk in this document should be changed to the Town Mayor if the Town Clerk is the subject of the grievance or the person making the grievance.

² Where the meeting is being held with the Town Mayor, due to the grievance involving the Town Clerk, another Councillor who is not involved in the grievance may undertake this role if appropriately independent.

³ If no suitable member of staff or trade union representative is available, the Town Clerk may agree to an independent third party such as a family member attending in their place.

If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

4 STAGE 3 - APPEAL

- 4.1 If the matter is not resolved at Stage 2, the employee has the right to appeal.
- 4.2 The appeal must be made in writing, stating the full grounds for appeal, to the Chairman of the Management Sub-Committee within five working days of the date on which they were informed of the decision.
- 4.3 An employee will be given written notice of the date, time and place of the appeal hearing. If no new matters are raised, this will normally be within fourteen days of the written notification to the Chairman of the Management Sub-Committee.
- 4.4 If any new matters are raised in the appeal, it may be necessary to carry out further investigation.
- 4.5 The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the discretion of the Appeals Panel depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 4.6 The appeal hearing will be conducted by an Appeals Panel made up of the Chairman and Vice-Chairman of the General Purposes Committee and the Chairman and Vice-Chairman of the Management Committee. Where any of these has previously been involved in the case, is unavailable, has a conflict of interest, or otherwise cannot or should not be involved, their place(s) will be taken by (an) impartial Councillor(s) appointed by the General Purposes Committee.
- 4.7 A companion may be brought to the appeal hearing (see paragraph 3.2c above).
- 4.8 Following the appeal hearing the Panel may:
 - a. confirm the original decision;
 - b. revoke the original decision; or
 - c. substitute a different decision.
- 4.9 The employee will be informed in writing of the Appeals Panel's final decision as soon as possible, usually within five working days of the appeal hearing. There will be no further right of appeal.

5 EXTERNAL ADVICE

- 5.1 If mutually agreed, where the grievance is against the Clerk or a Councillor, it may be helpful to seek external advice and assistance during the grievance procedure. An external facilitator might be able to help resolve the problem.

6 GRIEVANCE PROCEDURE DURING DISCIPLINARY ACTION

- 6.1 Should an employee raise a grievance about the behaviour of his/her Line Manager during the course of the organisation's Disciplinary Procedure, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be properly considered. The Town Council may consider seeking external advice as appropriate.

7 RECORDS

- 7.1 Full records should be kept including the statement of grievance, the response from Town Clerk/Town Mayor/Appeals Panel, and any action taken together with the reasons for it. These records will be kept confidential and retained in accordance with the Data Protection Act. Copies of any formal minutes of the meetings held will be given to the employee.