

Canvey Island Town Council

GRIEVANCE PROCEDURE

PURPOSE AND SCOPE

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide 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 the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

PRINCIPLES

- employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her 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 his/her case.
- the Council will give employees reasonable notice of the date of the grievance/appeal meetings. 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.
- any changes to specified time limits must be agreed by the employee and the Council.
- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulations.
- recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition.
- 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.
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.
- 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.
- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Castle Point Borough Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure.

Note: This policy has been based on NALC Legal Topic Note LTN 22 Aug 2019 – Amended Nov 19 - next review date Jan 2022

- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.

PROCEDURES

INFORMAL GRIEVANCE PROCEDURE

The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Personnel Committee or, if appropriate, another member of that committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

In the case of the Town Clerk to the council raising a grievance this should be directed to the Town Mayor of the council unless the complaint is about the Town Mayor in which case another Member can be identified to handle the Town Clerk's concerns. The recipient of the grievance from a Town Clerk should share the grievance with the relevant committee established to handle employment matters and the issues should be treated with discretion and confidentiality at all times. {REMOVE PARAGRAPH}

FORMAL GRIEVANCE PROCEDURE

If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Personnel Committee.

The Personnel Committee will appoint a Grievance Panel of three members to investigate the grievance. The Grievance Panel will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the Grievance Panel.

INVESTIGATION

The Grievance Panel will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public).

NOTIFICATION

Within ten to fourteen working days of receipt of an employee's grievance, the line manager or Chair of the Grievance panel will invite the employee, in writing, to attend a grievance meeting. The Grievance Panel's letter will include the following:

- the names of its Chairman and other members.
- a summary of the employee's grievance based on his/her written submission.

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- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within twenty five working days of when the council received the grievance.
- the employee's right to be accompanied by a companion, either a trade union representative or an appropriately accredited official employed by a trade union or any other employee.
- a copy of the Council's Grievance Procedure.
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting.
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

THE GRIEVANCE MEETING/HEARING

At the grievance meeting/hearing:

- the Chairman will introduce the members of the Grievance Panel to the employee.
- the employee (or companion) will set out the grievance and present the evidence.
- the Chairman will ask the employee what action does he/she wants the Council to take.
- any member of the Grievance Panel and the employee (or the companion) may question any witness.
- the employee (or companion) will have the opportunity to sum up the case.
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Grievance Panel.
- the Chairman will provide the employee with the Grievance Panel's decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the council will take and of the employee's right to appeal.

APPEAL

If an employee decides that his/her grievance has not been satisfactorily resolved by the Grievance Panel, he/she may submit a written appeal to the Personnel Committee. An appeal must be received within five working days of the employee receiving the Grievance Panel's decision and must specify the grounds of appeal.

An Appeal may be raised on the grounds of:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the Grievance Panel was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

The Appeal will be heard by a panel of three members of the council who are not on the Personnel committee and have not previously been involved in the case. The appeal panel will appoint a Chairman from one of its members.

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 five working days of the council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a companion, either a trade union representative, an appropriately accredited official employed by a trade union or any other employee.

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The council will need to ensure that the council members involved in the meetings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

At the appeal meeting, the Chairman of the Appeals Panel will:

- introduce the panel members to the employee.
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Grievance Panel.
- explain the action that the Appeal Panel may take.
- The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
- The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- The appeal panel may decide to uphold the decision of the Personnel committee or substitute its own decision.
- The decision of the appeal panel is final.