

## **GRIEVANCE POLICY & PROCEDURES**

### **INTRODUCTION**

Grievances are concerns, problems or complaints that employees raise with their employers. This document sets out the procedures that Godalming Town Council will use to deal with their employees' grievances.

This policy is based on The ACAS statutory code of Practice on discipline and grievance procedures – ACAS Code of Practice 1 published 11 March 2015 <https://www.acas.org.uk/codes-of-practice>. 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.

In most cases of grievance an informal approach between employee and line manager is the best way to proceed. This procedure is for use when an informal approach has not resolved matters to the satisfaction of an employee or when the informal approach seems inappropriate.

Inevitably, because the Town Council is a small organisation, Members will be required to hear either a grievance or an appeal. Members must always follow this procedure and should always seek external support and advice when dealing with a grievance raised by an employee (particularly when the grievance is raised by, or is about, the Town Clerk). Suitable sources of advice include the Surrey Association Local Councils (SALC) or the Town Council's external HR provider, the Chair of the Staffing Committee is authorised to seek advice and engage the services of the HR provider for HR advice.

This policy confirms:

- Employees have the right to be accompanied at a grievance meeting or appeal by a workplace colleague, a trade union representative (certified by their union as being competent to accompany a worker) or a trade union official. 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.
- 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.
- An employee has the right to appeal against the decision about their grievance. The appeal decision is final.
- 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 they 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.

## **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 their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage.

## **FORMAL GRIEVANCE PROCEDURE**

If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the employee's manager or, if it is about the employee's manager, to their manager. If the Grievance is about the Town Clerk it should be raised with the Chair of the Staffing Committee.

The Manager receiving the grievance will arrange a meeting to discuss the grievance. Depending upon the complexity of the matter(s) raised the Manager will either look into the matter themselves or appoint someone to investigate.

If the grievance is against the Town Clerk, the Chair of the Staffing Committee will appoint a sub-committee of three members to hear the grievance. Depending on the complexity of the matter they will either look into the matter themselves or appoint someone to investigate.

## **NOTIFICATION**

The employee will be asked, in writing, to attend a grievance meeting. The letter will include the following:

- the names of the person or people hearing the grievance;
- a summary of the employee's grievance based on their written submission;
- the date, time and place for the meeting; the employee will be given reasonable notice of the meeting;
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official;
- a copy of the Council's grievance policy;
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of their 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 APPEAL**

If an employee decides that their grievance has not been satisfactorily resolved they may submit a written appeal to the Chair of the Staffing Committee. An appeal must be received by the Council within five working days of the employee receiving the decision and must specify the grounds of appeal.

The appeal will be heard by a panel of three Members of the Staffing Committee, appointed by the Chair 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 Chairman from one of its members.

The employee will be notified, in writing, of the time, date and place of the appeal meeting. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.

The decision of the appeal panel is final.

## **GRIEVANCES AGAINST COUNCILLORS**

Complaints about the conduct of parish and town councillors are handled by the Waverley Borough Council's Monitoring Officer, Case law, *R (Harvey) v Ledbury Town Council*, has found that complaints must be investigated under the standards procedures and not through other processes such as staff grievance procedures.

## **DATA PROTECTION**

The Council processes personal data collected during the Grievance Procedure in accordance with its data protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of the Grievance Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the Grievance Procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.