



Christchurch Town Council

Grievance Policy

| Policy name | Version | Owner | Date Adopted | Review Date |
|--------------------|----------------|--------------|---------------------|--------------------|
| Grievance Policy | V1.0 | Clerk | June 2019 | June 2020 |

1. PURPOSE AND SCOPE

It is the policy of the Christchurch Town Council to foster and maintain a safe, pleasurable and transparent working environment. At times things may go wrong and this policy explains how employees can air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with *"Discipline and Grievances at Work: The ACAS Guide"* (February, 2019).

Issues that may cause grievances include (but are not limited to):

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment
- organisational change
- discrimination.

2. PRINCIPLES

a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made. b) Grievances will be dealt with promptly and consistently. c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing. d) An employee will have the right to appeal against any outcome of a Grievance Hearing. e) At no time will an employee be penalised or victimised for having raised a Grievance.

3. PROCEDURE

3.1 Informal Approach

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. All grievances should state the nature of the complaint clearly, with supporting facts and/or evidence and suggest ways upon which the cause for complaint can be resolved. In cases where the Town Clerk is the subject of the grievance employees should discuss their concerns with the Chair of Resources Committee. In the case of the Town Clerk raising a grievance this should be in the first instance raised with the Chair of Resources Committee, unless the complaint is about the Chair of the Resources Committee in which case the Vice-Chair of Resources Committee ("Vice-Chair") should handle the

Clerk's concerns. The recipient of the grievance will meet with the employee to discuss the nature of the grievance and establish if an informal approach can be taken, usually by meeting with all involved parties and discussing the concerns. Discretion and confidentiality will always be upheld throughout this process. If required, the Chair of the Resources Committee or Vice-Chair, whoever is dealing with a grievance from the Clerk, may wish to seek external professional support during this process.

If the grievance is not contested and/or easily resolvable the Town Clerk, Chair of Resources Committee, or Vice-Chair should respond in writing to the grievance within 5 working days. If it is not possible to respond within this time the employee should be given an explanation for the delay and advised when a response can be expected.

At any stage of both informal or formally raised grievances the Chair of the Resources Committee or Vice-Chair can convene a Grievance Sub-Committee consisting of x3 Members of Resources Committee to assist in dealing with grievances, or in following the policies and procedures as set out. The Grievance Sub-Committee shall appoint its own chair.

3.2 Formal Approach

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the Chair of Resources Committee, or Vice-Chair if the grievance concerns the Chair of Resources Committee. Upon receipt of a formal written grievance the Chair or Vice-Chair of Resources Committee shall convene a Grievance Sub-Committee. The Sub-Committee shall appoint its own Chair. The Chair of the Grievance Sub-Committee will need to take steps to arrange a meeting of the Grievance Sub-Committee. The Clerk or Administration Support Officer to the Town Council can carry out the administration when arranging the meeting bearing in mind the subject of the grievance and the nature and manner of the grievance. The Chair of the Sub-Committee should look to seek external professional support at this meeting.

3.3 Hearing

Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the Chair of the Grievance Sub-Committee will arrange a hearing with the employee. The Sub-Committee will endeavour to make the hearing arrangements mutually convenient and will arrange a confidential location, free from interruptions. The hearing will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the

necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the Sub-Committee may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Sub-Committee may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response. It is not practical to expect the entire Grievance Sub-Committee to carry out an investigation into a grievance. The Sub-Committee would therefore hold a properly convened hearing to initially discuss the grievance with employee. The Chair of the Grievance Sub-Committee should take the lead on investigating a grievance further, if deemed necessary by the Sub-Committee having heard the initial grievance, and report findings back to the Sub-Committee at a further properly convened meeting. The Sub-Committee will then discuss the investigation and findings and agree on a response to the grievance. At any point in the above stages, external support should be sought where felt necessary to ensure a fair and just process is followed.

3.4 Response

The Grievance Sub-Committee with the necessary administrative support will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. There may be some value in exploring Mediation as a way in which to resolve differences between two parties.

3.5 Appeal

If the employee is dissatisfied with the outcome of his/her grievance investigation, s/he may appeal against the decision to the Appeals Committee by written notice within five working days of the decision. The appeal should be sent to the Chair of the Grievance Sub-Committee. The Appeals Committee shall consist of x3 Members of Resources Committee who took no part in the original Grievance Sub-Committee proceedings. The Appeals Committee shall appoint its own Chair. An appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair;
- New evidence has come to light;
- The employee thinks that the procedure was not applied properly.

On receipt of the appeal the Council's Appeals Committee shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as the Committee shall consider appropriate without unreasonable delay. This will be a properly convened meeting of the Committee. The Appeal Committee Chair shall consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. The Appeal Committee decision will be final.

The Council will need to ensure that the Members involved in the hearings are always able to act impartially and reasonably. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

3.6 Misconduct

If a grievance is deemed to concern the misconduct of another employee, the Council's Disciplinary Procedure will need to be referred to and separate investigations in to the alleged misconduct carried out. Where the grievance concerns the misconduct/breach of the Code of Conduct of a Member, the employee will be advised that if they wish they can lodge a formal complaint with the Monitoring Officer at BCP Council, who will lead an investigation in any allegations made.

3.7 Right to be Accompanied

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

3.8 Hearing Conflicts of Interest

In situations where, individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

3.9 Confidentiality

So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the manager, Member, or Committee investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

3.10 Record Keeping

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent

developments will be retained and kept in accordance with the Data Protection Act 2018.

3.11 Grievances raised during Disciplinary Proceedings

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.