



# **HOLYWELL TOWN COUNCIL**

## **GRIEVANCE POLICY**

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### 1. Why do we have a grievance policy?

We recognise that, from time to time, you may have a concern or complaint about your work, working environment or working relationships that you may want to raise so that it can be considered and, if possible, dealt with. We aim to deal with, and wherever possible, solve these issues through normal day-to-day discussion and management. In some cases, help from an independent mediator can help deal with problems, especially those involving working relationships. This policy and procedure explains how you can raise a work-related grievance and sets out how we will respond. We will take prompt and effective action to deal with your grievance, as far as is reasonably possible.

### 2. Does the grievance policy apply to me in my role?

You need to know the grievance policy and procedures, that form part of your terms and conditions of employment and part of the legal contract between you and us. This policy applies to you and everyone else we employ, whether part-time or full-time, fixed term or permanent. It does not apply to workers who are not employees or past employees who no longer work for us.

### 3. Roles and responsibilities

#### 3.1. Your responsibilities

All our employees have a duty to act and behave in line with the employee code of conduct and our terms and conditions of employment, policies and procedures. You have a personal responsibility to:

- aim to settle grievances informally wherever possible, between you and the other person involved or if this is not possible, informally with your manager.
- aim to sort out the issues through mediation where appropriate and agreed by both sides.
- co-operate with investigations and meetings as necessary.
- be fully aware of the conduct and behaviour expected of you and keep to these standards.
- behave in a sensitive way and maintain confidentiality when involved in grievance matters.
- make sure that the person you choose to go with you to meetings is available and goes to those meetings.
- understand your right to appeal and the associated procedures.

### **3.2. Duties of managers**

Managers have a particular responsibility to make sure that within their area of control, everyone demonstrates appropriate conduct and behaviour. They should lead by example and be aware that an abuse of their position will send mixed messages about what is acceptable behaviour. Managers are responsible for:

- making sure they and their employees are aware of this grievance policy and procedures.
- taking prompt action when an employee raises a concern and aiming to sort out matters informally.
- handling all grievances sensitively and confidentially.
- letting employees know about other help and support available.
- familiarising themselves with any guidance and taking part in any relevant training to help them deal effectively with grievance cases in line with this procedure.
- keeping to the requirements of the policy when dealing with cases.

### **3.3. Trade union representatives**

Trade union representatives are also able to help their members who are involved in grievance matters by:

- promoting appropriate conduct and behaviour in the workplace.
- supporting and advising trade union members involved in grievance procedures.
- co-operating with investigations and meetings as needed.
- behaving in a sensitive way and maintaining confidentiality when involved in grievance matters.
- making sure that they go to scheduled meetings when agreeing to accompany employees involved in grievance investigations and hearings.

## **4. The main principles**

The following principles support how this policy will work in practice:

- All employees will have the opportunity to resolve a grievance in a fair and appropriate way.
- Employees should raise any grievance as soon as possible so the matter can be sorted out promptly.
- Grievances will be dealt with as soon as is reasonably possible and will be moved forward without unnecessary delay.
- Managers and their employees have a joint responsibility to work together to sort out issues early and informally before they escalate and become more difficult to resolve.

- All informal approaches to dealing with grievances will be used before moving to the formal procedure.
- Mediation should be considered as a way of dealing with the grievance during the informal stage, before moving to the formal stage and at any time during the formal stage. However, you can choose whether to take part in the mediation process or not.
- If you are involved in a grievance matter, you can be supported by a companion (a trade union representative, an official employed by a trade union, or a fellow employee) in formal meetings throughout the grievance process.
- We will not discriminate against any employee for raising a grievance, being the subject of a grievance or being a witness in a case.
- All discussions between the people involved with the grievance will be in strict confidence. If anyone breaks this confidence, we may treat it as a disciplinary offence. Confidentiality will be maintained at all times unless there is a legal obligation for us to take action, in which case we will tell you beforehand.
- Raising a grievance that is known to be without foundation, or is in any other way vexatious or malicious or in bad faith may be treated as a disciplinary offence.

Matters raised as part of a grievance can be emotional and upsetting. However, it is not acceptable to be abusive or insulting to others. All those involved should treat each other with respect and express themselves calmly and professionally. If you do not show respect and are abusive, insulting, or threatening, we will treat this behaviour as a misconduct matter under the disciplinary policy.

Grievances dealt with through this procedure may not always produce the outcome the person making the complaint wants. However, if we use the procedure effectively, it should lead to everyone involved recognising that the outcome is fair, reasonable, and appropriate in the circumstances.

## **5. Procedures**

### **5.1. Mediation**

Mediation offers early action before problems turn into major issues for all concerned. It allows those involved to consider options to deal with situations and reach a mutually agreeable outcome, by using an accredited and independent mediator.

Mediation is also a process that works well alongside formal arrangements for dealing with workplace issues, such as concerns and complaints from employees about their work, the working environment, or relationships. It can also help to sort out complaints of harassment, discrimination, victimisation, and bullying in the workplace.

Taking part in the mediation process is voluntary, as everyone needs to enter into it in an open-minded and constructive way for it to be effective. If the people involved in a grievance agree to take part in mediation, they will not be disadvantaged, whatever the outcome.

Given the positive outcomes that can be achieved, we would recommend you and your managers consider mediation at any time during the informal or formal stage of the grievance procedure. If you have not done so already, you are strongly encouraged to consider mediation before moving to the formal stage of the procedure. You can get advice on mediation from the Clerk.

Where mediation is agreed part-way through the grievance procedure, we will suspend the procedure and wait for the outcome of the mediation.

Mediation can also be used at the end of the grievance process to repair and rebuild relationships after a dispute or conflict. Managers should also bear in mind that the action taken to deal with a grievance might have an effect on other people who may now feel aggrieved. Mediation may also be an option to help these people deal with the issue.

## **5.2. Informal stage**

Grievances can often be dealt with quickly and informally through discussion with your manager, and we expect every effort to be made to deal with matters informally. More often than not issues and concerns can be dealt with at this stage, allowing effective working relationships to be maintained. As a result, we expect you to raise any concerns or issues informally with your manager.

Informal discussions with employees are not part of the formal grievance procedure and so you do not have a legal right to be accompanied by a companion (a trade union representative, an official employed by a trade union, or a fellow employee) in these discussions. However, if you ask for this, your manager should allow you to be accompanied by your chosen companion.

Your manager will discuss your concerns in confidence, investigate where appropriate, and deal with the concerns fairly and promptly. In discussing your concern with your manager, you should relate the facts of the situation, how this is affecting your performance or personal well-being, and what you expect to be done to sort the matter out.

If appropriate, your manager may want to discuss the matter with your colleagues or others involved to get to the root of the concern or gather more information to see how best to deal with the grievance. These people must be told that the information they provide will form part of the informal process and, if the grievance moves on to the formal stage, will form part of the information that is given in confidence to any other person who deals with

the grievance. They should also be reminded that all information is confidential and that breaking this confidentiality may be seen as a disciplinary offence.

It is the manager's responsibility to aim to sort out the grievance informally and to let you know the outcome. This would normally take the form of a summary note of the discussion and outcome letter.

If your grievance is about your manager, you should raise the matter with another senior manager.

By aiming to sort out the grievance informally in the first instance, the issue will usually only move on to a formal grievance if it cannot be dealt with informally.

The informal route may not always be appropriate due to the seriousness of the grievance and, if appropriate, the matter should move direct to the formal grievance procedure.

### **5.3. Formal grievance procedure**

The grievance must be given in writing (if you did not do this at the informal stage) setting out the nature of the complaint and explaining how you would like to see the matter resolved. You should also explain how you have tried to sort the issue out before making a formal grievance. You should also provide any supporting documents at this time.

After reviewing the details of the grievance, your manager may be able to deal with the matter without the need to arrange a formal grievance meeting, if there is an agreed solution.

If this is the case, your manager will confirm in writing to you the action that is to be taken to deal with your grievance and will confirm that the matter has been sorted out.

If the matter is still not sorted out, your manager will arrange a grievance meeting.

### **5.4. The formal grievance meeting**

You will be entitled to be accompanied by a companion (a trade union representative, an official employed by a trade union, or a fellow employee) at the meeting.

If the grievance relates to your manager, we will appoint a grievance officer to hold the meeting. However, we will ask the manager in question to attend a separate meeting, so they can respond to the concerns raised.

During the meeting, you will be asked to explain your grievance and to state how you want the matter to be sorted out.

The person who accompanies you may address the meeting to put your case, respond on your behalf to any views expressed, ask questions of witnesses, and consult you during the meeting. This person can also ask for an adjournment of proceedings to consult you. However, they do not have the right to answer questions on your behalf, address the meeting if you do not want it, or prevent management from explaining their position.

We may sometimes need to adjourn a grievance meeting part-way through for further investigation to be carried out. If this is necessary, we will make arrangements with you about resuming the meeting later.

### **5.5. Decision-making**

When the meeting has finished, the manager or grievance officer will prepare a grievance report containing their findings. This report will be prepared as soon as possible but the circumstances of each case will decide how quickly this can be done.

The manager or grievance officer may decide that:

- the grievance is not upheld
- the grievance is upheld, and set out action (if any) that needs to be taken by the manager or employees concerned to resolve the grievance and avoid it happening again; or
- the grievance is upheld, and the conclusions reached show that there is a case to answer which amounts to misconduct or irregularities which should be dealt with under the discipline policy or that there are issues relating to dignity at work which need to be dealt with under the dignity at work policy. In which case, the grievance report will form the basis of the investigation related to discipline or dignity at work.

Your manager or grievance officer will meet with you to discuss the outcome and this will be confirmed in writing. This letter will include the reasons that led to the decision, details of the appeal process and a copy of the grievance report.

If the manager or grievance officer says in the report that any managers must carry out any action to sort out the grievance, they will also meet with them, confirming the outcome and any action needed.

If the outcome shows that disciplinary procedures should be carried out, you will not be entitled to be told about the outcome of those proceedings, merely that they have been started.

The outcome will also be given to the employee who is the subject of the grievance. The grievance officer will tell any witnesses that the grievance process has come to an end.

## **5.6. Failure to go to the grievance meeting**

You are responsible for making sure that the companion (a trade union representative, an official employed by a trade union, or a fellow employee) you have chosen to accompany you is available to go to the meeting. If they are not available on the proposed date, you can suggest another date and time as long as it is reasonable.

Once rearranged you will receive a further letter from your manager confirming the revised arrangements. This letter will also explain that if you fail to go to the rescheduled meeting, and there is no valid reason for not doing so, we may make decisions in your absence.

If you cannot attend due to a medical reason, we will ask for advice from an Occupational Health Professional and any reasonable adjustments will be put in place in order to move forward.

You will be told that, unless there are exceptional circumstances, the rescheduled meeting will go ahead if your companion (a trade union representative, an official employed by a trade union, or a fellow employee) cannot attend.

In exceptional circumstances, if a decision will be made in your absence, you will be given an opportunity to make written comments direct or through someone else (for example, your trade union representative). A decision will be made based on the evidence available, and your manager will tell you as soon as reasonably possible.

## **5.7. Collective grievance**

If more than one employee wants to raise the same complaint or express a common grievance, it will be treated as a collective grievance.

A trade union official on behalf of the people involved, an individual on behalf of the group involved or a work-based colleague of the group involved may provide a collective grievance.

However, in all cases, all those involved must be named and must give their written approval, so their representative can take forward the collective grievance on their behalf.

Collective grievances will follow the procedures set out above.

The collective grievance procedure does not replace the regular consultation that takes place between us and our trade unions in social partnership meetings. Nor does it replace the normal consultation between management and trade union representatives which forms part of the employment relations process for, as an example, handling redundancy situations, proposed TUPE transfers or review of working arrangements and so on. This is because there is an obligation for social partners to consult with a view to reaching agreement on matters.

## **5.8. Appeal process**

If you feel that you have not received a satisfactory solution to your grievance, you may appeal against the decision.

You should submit your appeal in writing, setting out the nature of your complaint and what you are hoping to achieve from raising the grievance appeal. We will appoint an appeal officer who will not have been involved in the case so far.

The Clerk must make sure that all papers relating to grievance decisions and proceedings are made available to the appeal officer. Any supporting documents should also be sent at this time including a copy of the outcome letter from your original grievance meeting.

You will receive a letter from the appeal officer inviting you to a meeting to present your appeal as soon as possible after the letter of appeal is received. You will have the right to be accompanied by a work colleague or trade union official.

You must confirm you are coming to the meeting and give the name of the person who will be coming with you. This person's role will be the same as for grievance meetings.

The appeal meeting will be carried out by the appeal officer. The Clerk will go to the meeting to provide advice on procedural matters.

At the appeal, you will have the opportunity to explain why you are not satisfied and set out the reasons for your appeal in more detail. The appeal officer will ask you to answer questions to get a fuller understanding of your complaint.

After the meeting, the appeal officer will send a note of the meeting to you. You should sign and date the note and return it to the appeal officer as soon as possible.

Depending on the circumstances and the nature of the complaint, the appeal officer may either:

- uphold the original decision
- not uphold the original decision
- uphold the original decision but change the agreed action.

The appeal officer will meet with you to discuss the outcome and this will be confirmed in writing. The appeal decision is final and represents the end of the grievance procedure.

## **6. Keeping records**

We will keep confidential records about the grievance on file and in line with data protection legislation and our policy on managing records.

Everyone involved in the grievance matter will have been given the opportunity at the appropriate point to check the accuracy of any written information, appropriate to their involvement in the case.

At the end of the process all originals and copies of records (hard copy and electronic) must be sent to the Clerk for them to keep confidentially and to securely destroy any copies. All electronic records held by officers involved in a case must be deleted.

The records kept will give details of:

- the grievance raised
- findings made, and details of action taken (if any)
- a record of the reasons for the action that was taken
- whether there was an appeal and, if so, the outcome
- notes of any formal meetings
- any wider subsequent developments. For example, a review of policies and procedures or a need for extra training for managers.

## **7. Information**

We will tell all employees about this grievance policy. We will make a copy of the policy available to employees.

## **8. Support for employees**

We want to provide a workplace that is open and supportive to those who need advice and support. If you are in any doubt about what to do, you must seek advice from your manager or trade union representative.

Anyone involved in a grievance matter may find the situation stressful or difficult and may want to talk things through in confidence with a professionally trained counsellor. You can access this service through the Clerk.

## **9. Review and monitoring**

We will regularly review this policy. We will tell you about any changes agreed and made to this policy.

*All Holywell Town Council Policies are approved by full council and subject to an annual review.*

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*Town Mayor & Chairman of the Council*

## 10. Flowchart

