Cyngor Tref
Rhuddlan
Town Council

GRIEVANCE POLICY

Agreed Personnel Committee	23/02/2021
Agreed Rhuddlan Town Council	11/03/2021
Current Review	11/06/2026

Introduction

1. This policy 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.

2. The policy is primarily concerned with employee grievance and should be seen as separate from the Code of Conduct for councillors.

3. 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.

This policy confirms:

- Employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider, or resolve their grievance. 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 grievance or appeal meetings. Employees and their companions must make every reasonable effort to attend. If a companion is unavailable on the proposed date, the employee may request a postponement and suggest an alternative date within five working days of the original meeting, unless a later date would be reasonable. Any changes to the specified time limit must be agreed by both 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 Regulation

(GDPR).

- Audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties 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 consent of affected parties.

- 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 (paragraph No 4) 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 Denbighshire County Council who will inform the employee whether 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 (see paragraph No. 5)

- 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 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 on 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.

Informal grievance procedure

4. 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 the Personnel 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 employees' and the councillors consent.

   Note – the Town Clerk's manager in terms of the grievance procedure is the Mayor. However, should the grievance issue relate to the Mayor then the grievance issue will be dealt with by the Deputy Mayor.

Formal grievance procedure

5. 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.

6. The Personnel committee will appoint a Grievance sub-committee of three members outside of the Personnel committee to hear the grievance. The Grievance sub-committee will appoint a chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the Grievance sub-committee.

Investigation

7. If the Grievance sub-committee decides that it is appropriate, (e.g., if the grievance is complex), it may appoint an Investigator to carry out a review before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g., the employee submitting the grievance, other employees, councillors, or members of the public).

8. The investigator will summaries their findings (usually within an investigation report) and present their findings to the Grievance sub-committee.

Notification

9. Within I0 working days of the Council receiving the employees' grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its chairman and other members
- the date, time, and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance.
- 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 (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting.
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice.
- findings of the investigation if there has been an investigation.
- an invitation to the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:
    - The Chairman will introduce the members of the Grievance sub-committee to the employee.
    - The employee (or companion) will set out the grievance and present the evidence.
    - The Chairman will ask the employee questions about the information presented and will want to understand what action he/she wants the Council to take.
    - Any member of the Grievance sub-committee 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 sub-committee.

11. The Chairman will provide the employee with the Grievance sub-committee's decision, in writing, usually 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.

The appeal

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

13. Appeals may be raised on several grounds, e.g.:
    a) A failure by the Council to follow its grievance policy.
    b) The decision was not supported by the evidence.
    c) The action proposed by the Grievance sub-committee was inadequate/inappropriate.
    d) New evidence has come to light since the grievance meeting.

14. The appeal will be heard by an Appeals Panel of three members of the Council who have not previously been involved in the case. The Appeals Panel will appoint a chairman from one of its members.

15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

16. At the appeal meeting, the Chairman will:

    a. introduce the panel members to the employee
    b. explain the purpose of the meeting, which is to hear the employees' reasons for appealing against the decision of the Personnel sub- committee.
    c. explain the action that the appeal panel may take.

17. The employee (or companion) will be asked to explain the grounds of appeal.

18. 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.

19. The Appeals Panel may decide to uphold the decision of the Grievance sub-committee or substitute its own decision.

20. The decision of the Appeals Panel is final.