



ABERGAVENTNY TOWN COUNCIL GRIEVANCE POLICY & PROCEDURE

1. INTRODUCTION

- 1.1 The purpose of this policy is to specify the formal procedure by which employees can raise a grievance, while encouraging employees to use informal discussions to resolve problems in the first instance.
- 1.2 This policy applies to all employees of Abergavenny Town Council. This policy does not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. Such grievances will be dealt with using the council's collective grievance process.
- 1.3 This policy does not apply where an employee has a grievance about a councillor. If it is not possible to resolve a complaint of this nature informally, it must be passed on to the Monitoring Officer at MCC.
- 1.4 This policy does not apply when the council has no control over the matter, although the council will give information and advice where possible, to help an employee resolve the issue.
- 1.5 This policy does not apply where the procedure has been invoked within six months of the completion of any action under the grievance procedure of the same or similar issue, unless the original action agreed to redress the grievance has not been implemented.

2. DEFINITION OF GRIEVANCE

- 2.1 For the purpose of this policy, grievances are defined as concerns, problems or complaints over work-related matters that an employee raises with the council.

Examples of grievances include:

- concerns over employment terms and conditions
- contractual or statutory rights
- health and safety
- work relations
- the working environment
- new working practices

- bullying and harassment
- organisational change
- discrimination

For instances of bullying and harassment, employees are also advised to refer to the council's Anti Bullying and Harassment Policy.

3. INFORMAL PROCEDURE

Abergavenny Town Council recommends that all employees talk to their manager informally to try to resolve a problem before raising a formal grievance. However, if the informal approach fails to resolve the matter, employees can use the procedure outlined in this document to raise a grievance formally. The grievance should be raised without unreasonable delay and within fourteen days from the date that the attempt was made to resolve the matter informally.

4. PRINCIPLES OF THE GRIEVANCE PROCEDURE

- (i) All grievance claims will be treated fairly and objectively.
- (ii) Employees will not be dismissed or suffer disadvantage because of raising a genuine grievance.
- (iii) If the employee has difficulty reading and writing, or if English is not their first language, any written documentation, e.g. a letter explaining the outcome of a meeting, will also be explained to them orally in their first language. Additional support that may be required at meetings will also be taken into consideration and provided as appropriate.
- (iv) Any action taken because of a grievance will be monitored and reviewed, as appropriate, to ensure that issues are dealt with effectively.

5. FORMAL GRIEVANCE PROCEDURE

Stage 1. Write a Letter

- 5.1 The grievance should be raised with a manager/Member (Chair of the Policy & Resources Committee) who is not the subject of the grievance, by writing a letter detailing the nature of the grievance.
- 5.2 If the employee has difficulty writing the letter, e.g. if English is not their first language, they are advised to seek help from a trade union representative or colleagues.
- 5.3 The letter should be dated, and the employee should keep a copy for themselves.

Stage 2 Investigation (Optional)

- 5.4 Upon receipt of a grievance it may be necessary to conduct an investigation. If appropriate, an investigatory meeting will be held to gather all relevant facts and evidence.

- 5.5 The employee will be invited to this investigatory meeting as soon as possible, in writing. The model letter in appendix 1 will be used. It will be made clear that the purpose of the meeting is to establish the facts and that the employee may be accompanied by one colleague or trade union representative. Due consideration will be given to whether any reasonable adjustments are necessary for a person who is disabled; this includes colleagues or trade union representatives accompanying the person with a grievance.
- 5.6 The investigatory meeting will usually be conducted by the employee's Line Manager. However, if the Line Manager is the subject of the grievance, the meeting will be conducted by the Town Clerk or Chair of Policy & Resources Committee
- 5.7 The investigation will be conducted as soon as possible and will normally be completed within five working days of receiving the grievance. However, if the matter is particularly complex, this can be extended to 15 working days. If it is not possible to complete the investigation within this timeframe, the employee will receive a written explanation of the delay and when the investigation is expected to be completed.
- 5.8 As soon as reasonably practicable after the conclusion of the investigation (usually five working days), the employee will be notified in writing that the investigation has been completed.

Stage 3. Grievance Meeting

- 5.9 A meeting of the Grievance Panel will be held to discuss the grievance with the employee. The Town Council will agree in the May meeting the five councillors that will comprise the Grievance Panel. Wherever possible, the meeting will be arranged within five working days after the grievance is received or within five working days of the conclusion of an investigatory meeting if one has been held. The employee will be notified in writing of the date, time and location of the meeting (by the Town Clerk or if the grievance is against the Town Clerk by the Chair of the Grievance Panel), who will conduct the Grievance Meeting and the statutory right of employees to be accompanied at Grievance Meetings. Due consideration will be given to whether any reasonable adjustments are necessary for any person who is disabled; this includes colleagues or trade union representatives accompanying the person with a grievance.
- 5.10 The employee can take one colleague or trade union representative into the meeting. If the employee wishes to be accompanied in this way, they should notify the employer in advance. The employee has the right to call relevant witnesses to the meeting but should notify the employer of their intention to do so in advance of the meeting.
- 5.11 The meeting will be held at a reasonable time and place that suits both parties. The employee, their companion and the employer should make every effort to

attend the meeting. The meeting will be held in private, where there will not be interruptions.

- 5.12 The purpose of the meeting is to establish the facts of the grievance and find a way to resolve the problem. The employee will be given the opportunity to explain their grievance and how they think it should be resolved.
- 5.13 Copies of meeting records will be given to the employee, including any formal minutes. However, Abergavenny Town Council may withhold some information in certain circumstances, e.g. to protect a witness.
- 5.14 If deemed necessary, the employer may adjourn the meeting until after further investigation has been conducted. The meeting will be rescheduled as soon as is reasonably practical.

Stage 4. Decision and Notification

- 5.15 The employer will decide what action, if any, to take after the meeting. A letter will be sent to the employee, notifying them of the decision within five working days of the initial meeting. Where appropriate, the letter will set out what action the employer intends to take to resolve the grievance. Where an employee's grievance is not upheld, the reasons for this will be clearly explained. The letter will also specify that the employee can appeal if they are not content with the decision/action taken.

6.0 APPEALS PROCEDURE

- 6.1 If the employee feels that their grievance has not been satisfactorily resolved, they can appeal in writing to the employer, specifying the grounds for their appeal, within five working days of receiving notification of the decision.
- 6.2 An Appeal Hearing will be held, wherever possible, within five working days of receiving notification of the appeal from the employee. The Appeals Panel, will consist of three people, two Councillors who were not on the Grievance Panel and one independent person. The employee will be notified in writing of the date and location of the hearing in advance. They will also be informed that they have the right to be accompanied at the hearing. Due consideration will be given to whether any reasonable adjustments are necessary for a person who is disabled; this includes colleagues or trade union representatives accompanying the person with a grievance.
- 6.3 At the hearing, an Appeals Panel will consider any representations made by the employee and/or their companion and those of the investigating Manager/Member and the Manager/Member who conducted the grievance meeting and made the decision. The Appeals Panel will not include Members or officers who have previously been involved in the case. The appeal will be dealt with impartially.

6.4 Copies of meeting records will be given to the employee, including any formal minutes. However, Abergavenny Town Council may withhold some information in certain circumstances, e.g. to protect a witness.

6.5 The outcome of the appeal will be communicated to the employee in writing within five working days of the hearing. The letter will also specify that there will be no further right of appeal.

7.0 POST-EMPLOYMENT GRIEVANCES

7.1 Wherever possible a grievance should be dealt with before an employee leaves their employment with the council. However, where an employee had already left employment and the procedure has not been commenced or completed, the employee is encouraged to attend any meetings in accordance with this procedure so a final decision can be made. If an employee refuses to attend any meetings, the council will proceed with the meeting in their absence and make a decision based on all the information and evidence available.

8.0 DOCUMENTATION

8.1 During the grievance process, written records will be kept. These will include: the nature of the grievance, what was decided and actions taken, the reasons for action taken, whether an appeal was lodged, the outcome of the appeal and any subsequent developments. These will be kept in a secure place.

8.2 Records will be treated as confidential and kept no longer than necessary in accordance with current UK Data Protection law.

9.0 OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

9.1 If an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Adopted: 11 September 2019

Policy Due for Review: September 2022

Appendix 1

Stage 2 Letter template

Dear [EMPLOYEE]

Grievance meeting

Further to your letter dated [DATE] I would like to invite you to a meeting to discuss the concerns you have raised in relation to your employment.

To summarise, in the above-mentioned letter, you raised the following:

[SET OUT DETAILS OF THE GRIEVANCE]

In order to discuss these concerns, I would like you to attend a meeting at [PLACE] on [DATE] at [TIME]. The meeting will be held in accordance with our grievance procedure, which I attach for your attention.

The meeting will be conducted by me and the following people will also be in attendance [PROVIDE DETAILS]. The meeting will help me establish the full details of your concerns before I undertake a thorough investigation.

You are entitled to bring a fellow employee or a trade union representative to the meeting in accordance with our procedures. I would be grateful if you could confirm the details of your companion to me prior to the meeting.

Please confirm receipt of this letter and that you are able to attend the meeting at the time stated above. If you or your companion are unable to attend for any reason, please let me know as soon as possible.

If you have any questions in the meantime, please don't hesitate to contact me.

Yours sincerely,