

# South Kirkby and Moorthorpe Town Council



## Grievance Procedure

### **Purpose of the Procedure**

- To resolve grievances as quickly and as fairly as possible.
- To enable all employees or groups of employees to raise a grievance relating to issues at work
- To resolve grievances at the earliest stage of the procedure.

### **Eligibility**

All employees either individually or collectively have the right to raise issues under the procedure. If a group of employees raise a common grievance then the process should be collectively only if the grievance is exactly the same for each individual.

### **Right to Representation**

At each stage of the procedure the employee, or group of employees, may be represented or supported by their Trade Union representative or a fellow worker. **Managers should inform employees of their right to be accompanied at all stages of this procedure in writing.**

### **Access to Procedure**

All eligible employees should be made aware of the grievance procedure by the inclusion of a statement in the appointment documents. This statement should inform employees of the location of the procedure on the Council's website and advise that employees who do not have easy access to the Council's website will be provided with a paper copy upon request.

### **Employees that have left the Council**

Where the Council is unaware of a grievance until after the employee has ceased employment a modified procedure will apply. The Council will be aware of the grievance if the employee puts it in writing before they have left.

For employees who have raised a grievance but not completed the procedure before leaving the Council the modified procedure will apply where both parties have

agreed in writing. Where a former employee does not agree to this modified process the full Grievance Procedure should be followed.

Modified Procedure:-

1. The person should write to the Council within 14 days of leaving, stating:-
  - the grievance
  - the basis for it
  - what would resolve the grievance for them
2. The Council will set out its response in writing and send it to the former employee within 28 days.

Neither the standard nor the modified procedure will apply however where the former employee ceases to be unemployed, neither of the procedures has commenced and it is no longer reasonably practicable for the employee complete either procedure.

### **Issues that should/should not be heard under the Grievance Procedure.**

The town clerk, in consultation with the chair of the employment sub-committee has the right to determine that an issue, or part of an issue, is not appropriate to be handled under the grievance procedure. Any decision to exclude an issue, or part of the issue, will be notified to the employee with an explanation.

Examples of issues that can be raised as grievances may include:

- Terms and conditions of employment
- Health and safety issues
- Working relationships
- Existing and new working practices
- Working environment
- Workload
- Supervision and management
- Organisational change
- Equal opportunities

It is **not** considered appropriate that a grievance should be raised about the following:

- Issues that should be dealt with under other Council procedures e.g. harassment, bullying etc.
- On termination of employment for which an employee has been specifically engaged.
- Redundancy.
- On the outcome of other procedures e.g. disciplinary action, unless the grievance relates to alleged flaws within that procedure.
- Payroll related matters e.g. tax, pensions etc.
- Personal relationship issues with colleagues outside work

## **Appropriate Stage**

Normally grievances should go through all three stages of the procedure. However, where it is mutually agreed that it is inappropriate to go through the first stage meeting, the procedure may be advanced straight to the second stage meeting.

## **Time Limits**

The time limits given at each stage may be changed by mutual agreement and written confirmation provided by the employee.

## **Grievance Form**

A grievance form must be completed in full before a grievance can be heard at any stage of this procedure. The Council will refuse to progress the grievance if a grievance form is not completed in full. A copy of the grievance form is available. However, assistance should be provided to employees who have difficulty completing the form. These employees should be encouraged to seek assistance from a Trade Union representative, or a colleague.

## **Investigation**

Management may determine that there is a need to carry out an investigation to establish the facts before the grievance is heard.

Appropriate details of the investigation will be forwarded to the employee within a reasonable timescale and the employee will be kept informed of the progress of the investigation in writing.

## **Failure to attend meetings**

Employees must take reasonable steps to attend the meetings arranged under the Grievance Procedure. If an employee fails to attend a meeting twice without reasonable explanation, despite the offer of an alternative date for the meeting that has not been attended, then the Grievance Procedure process will be considered completed. If managers are in any doubt regarding this aspect of the procedure they should seek advice before proceeding.

## **Stages of the Procedure**

### **Stage One**

- a) A completed grievance form should be given to the employee(s) line manager within fourteen days of the grievance occurring. Where the grievance involves the town clerk the form should be handed to the chair of the employment sub-committee.
- b) A meeting to discuss the grievance should be arranged within seven days of receipt of the grievance form. Written notification should be provided to the employee confirming this. If the employee is unable to arrange a representative in

time for this meeting he or she should provide written notification and suggest an alternative date. This should be no more than five days after the original date of the meeting unless both parties agree to extend this deadline. The date of the new meeting should be confirmed in writing.

c) Written confirmation of the outcome of the meeting should be provided by the person hearing the grievance within three days of the date of the meeting. This should inform the employee of the option to progress to stage two of the procedure should they feel that the grievance is still unresolved.

d) If appropriate a time limit to resolve the grievance should be agreed and included in the written confirmation of the outcome.

## **Stage Two**

a) The employee(s) must state in writing to the town clerk, within fourteen days of receiving written confirmation of the outcome of Stage 1 why they feel that the grievance is unresolved.

b) A meeting should be arranged within two weeks of the receipt of the notification from the employee(s) that they consider the grievance to be unresolved.

c) The town clerk or nominated representative will hear the Stage Two meeting.

d) Written confirmation of the outcome of the meeting should be provided by the person hearing the grievance within three days of the date of the meeting.

e) If appropriate a time limit to resolve the grievance should be agreed and included in the written confirmation within three days of the date of the meeting.

g) If a response cannot be given within the specified time period the employee(s) should be given an explanation of the reason for the delay and told when a response can be expected.

## **Stage Three – Final Stage – Appeal**

a) The employee(s) must state in writing to the chair of the employment sub-committee within fourteen days of receiving written confirmation of the outcome of stage two of the procedure why they feel that the grievance is unresolved.

b) An appeal Hearing should be arranged within twenty-one days of the receipt of the notification form the employee(s) that they consider the grievance to be unresolved.

c) The employee should receive written confirmation of the date of the appeal and be informed that this is the final stage of the Grievance Procedure.

d) An Appeal Hearing will be held in accordance with the procedure for the hearing of appeals and will be a full re-hearing of the case. The decision of the Appeal Panel will be final.

e) The Appeal Panel should provide written confirmation of the outcome of the hearing within one week. If a response cannot be given within the specified time

period the employee(s) should be given an explanation of the reason for the delay and told when a response can be expected.

## **Records**

Town clerk should keep records detailing the nature of the grievance raised, the employer's response, any action and the reasons for it. These should include a copy of the original Grievance Form. These records should be kept confidential and retained in accordance with the Data Protection Act. Copies of the records of meetings should be given to the employee concerned, including any minutes taken. In some circumstances certain information may be withheld, for example to protect a witness.

**SOUTH KIRKBY AND MOORTHORPE TOWN COUNCIL**

**GRIEVANCE PROCEDURE**

**Procedure to be followed at Meetings under Stage One and Two**

	Action
1.	The officer hearing the grievance will confirm that the meeting is being held in accordance with the Council's agreed grievance procedure.
2.	The person chairing the meeting will ensure that all the parties are introduced.
3.	If the employee does not have a trade union or other work based representative present, the chair should confirm with the employee that they know of their rights and have chosen not to be represented. If they are not aware of the right to representation the chair may determine that a postponement is appropriate to enable the employee to seek representation.
4.	The chair should ensure that all the people present know the procedure to be followed at the meeting.
5.	The employee will outline the nature of the complaint, as detailed on the grievance form.
6.	The employee will present their case and call any witnesses, individually or collectively.
7.	The representative from management will have the opportunity to ask questions about the evidence presented by the employee or any witnesses they may have called.
8.	The chair may ask questions of the employee about the evidence presented or any witnesses they may have called.
9.	All witnesses will withdraw from the meeting at this point.
10.	The management representative will present their case and call any witnesses individually or collectively.
11.	The employee will have the opportunity to ask questions about the evidence presented by the management representative or any witnesses they may have called.
12.	The chair may ask questions of the management representative about the evidence presented or any witnesses they may have called.
13.	All witnesses will withdraw from the meeting at this point.
14.	The employee will be invited to summarise their case if they so wish.
15.	The management representative will be invited to summarise their case if they so wish.
16.	Everyone should be asked to withdraw the officer chairing the meeting considers their decision.
17.	The person hearing the case may wish to recall anyone who has given evidence to clarify points of uncertainty. If recall is necessary both parties will be recalled.
18.	Both parties will be recalled and informed of the decision. In some cases the person hearing the case may wish to consider their decision and may therefore either reconvene the meeting at a later stage, or inform the parties by letter of the decision.
19.	In any event the decision will be confirmed in writing to the employee. This letter will set out the employee's rights to pursue the matter under the grievance procedure.
Comments	