



# Grievance Policy

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## Abstract

“The Town Council is committed to creating and sustaining a working environment that is fair to all and free from unlawful discrimination, harassment, victimisation and bullying.”

**Ian Morris,**  
Town Clerk

Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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# **1 Introduction**

## **1.1 What is the policy about?**

The Town Council is committed to creating and sustaining a working environment that is fair to all and free from unlawful discrimination, harassment, victimisation and bullying. Everyone working at the Town Council is responsible for their own behaviour and should treat colleagues with dignity, respect and courtesy and ensure that they are valued for their skills and abilities.

The Grievance policy is designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly and in a fair and reasonable manner.

The Grievance procedure exists to provide a mechanism for employees to raise concerns that are not covered by other procedures.

## **1.2 Who does the policy apply to?**

This policy covers all employees employed by Peterlee Town Council. The policy is recommended as good practice to all other groups associated with the Town Council.

## **1.3 Responsibilities**

All employees have a responsibility to ensure that they comply with this policy and to be aware of their own behaviour and the effect it may have on other people and to treat everyone with respect and dignity.

Managers are responsible for ensuring that this policy and procedure is fairly and consistently implemented. They must ensure that they deal with grievances, whether verbal or written, equitably, without discrimination, and as quickly as possible.

The Town Clerk / Corporate Services Manager are responsible for communicating the policy and providing advice and guidance to managers to ensure it is operated in a fair and effective manner.

## **1.4 Legislation**

The statutory procedures for dealing with grievance issues are no longer in effect, however, this policy is compliant with current legislation and the ACAS Code of Practice.

The Equality Act 2010 harmonises and replaces previous equality legislation and extends protection for all protected characteristics to ensure consistency. Under this legislation, protected characteristics are:

- Age
- Disability
- Race
- Sex
- Religion or belief
- Gender reassignment
- Sexual orientation
- Pregnancy and maternity
- Marriage or civil partnership

The Equality Act makes the Town Council potentially liable for harassment of employees by people who are not employees, for example, customers, clients, agency workers or external consultants.

## **1.5 Other procedures**

There are a number of issues that cannot be raised through the Grievance policy.

If it is unclear which procedure the employee wishes to pursue, the manager should seek advice from the Town Clerk / Corporate Services Manager.

Where an employee does not have a grievance but does wish to raise a concern about the Town Council, it may be appropriate to raise this with the Town Clerk / Corporate Services Manager.

### **1.5.1 Third party harassment**

In relation to members of the public, employees should make their line manager aware of any incidents which they believe amount to harassment. Depending on the circumstances of each case a range of actions will be considered and this may include:

- Withholding our service
- Taking legal action against the person bullying or harassing the employee

Where an employee is concerned about the behaviour of a contractor or a person working for or representing a voluntary organisation, the manager should discuss the situation with the individual in the first instance. However, managers should seek further advice from the Town Clerk / Corporate Services Manager before approaching the representatives of external agencies.

If an employee is concerned about the behaviour of an elected member, the employee should report this to their manager in accordance with the protocol on Member/Officer relations.

## 2 What is a grievance?

A grievance is a concern, problem or complaint raised by an employee with their employer regarding their work, working conditions or relationships with colleagues.

It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance but some of the more common types are listed below.

### General work issues

For example, issues regarding terms and conditions of employment, health and safety, working practices or working relationships.

### Bullying

This is behaviour that is offensive, intimidating, malicious, insulting and the misuse of power. It is behaviour that has created working conditions or an environment that is hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about.

### Harassment

This is unwanted behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees can complain of behaviour they find offensive even if it is not directed at them. Harassment differs from bullying in that it specifically refers to unwanted behaviour in relation to a protected characteristic (see section 2.2)

### Victimisation

This occurs where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against or in some other way intimidating them.

It is important to remember that in all instances, it is not what may have been intended by the perpetrator that is important in deciding whether unacceptable behaviour has occurred; it is whether the actions and comments can objectively be viewed as demeaning and unacceptable to the person making the complaint.

Employees should be aware that they cannot raise a grievance that is the same or similar to a grievance that has been investigated within the previous 12 months unless any action to redress the grievance has not been implemented.

## 3 Resolving a grievance

It is in the best interests of everyone to ensure that grievances are dealt with quickly, equitably and resolved informally wherever possible. In the first instance, employees are asked to try to discuss the issue with their manager or the person concerned to try to reach an early resolution.

### 3.1 Informal process

Where an employee has concerns about the behaviour of an individual, they should tell them that their behaviour is causing concern or offence, explain the effect that it is having on them and that it must stop. The employee may not be aware that their actions cause offence to others and once it is highlighted this may resolve the situation.

If an employee feels unable to discuss the matter with their line manager or with the person causing offence, they should ask a work colleague or trade union representative to raise the matter on their behalf or to be with them when they do so.

If the matter is not resolved informally or if there are specific circumstances that make the informal route inappropriate, the formal grievance procedure should be followed.

### 3.2 Formal process

Where it has not been possible to resolve a grievance informally, the employee can choose to raise a formal grievance.

The employee must set out their concerns to their manager using the Formal Grievance Form (See supporting document A), providing as much information as possible to enable the grievance to be dealt with effectively. If the grievance is regarding the employee's manager, the employee should submit the form to the Town Clerk / Corporate Services Manager who will nominate a relevant manager to deal with the issue. The employee should retain a copy of the completed form for reference purposes.

If the grievance is regarding the Town Clerk then the Formal Grievance Form should be submitted to the Town Council Mayor, who would appoint an appropriate person to investigate the issue.

If an employee submits a formal grievance without attempting to resolve the situation informally and where there are no specific circumstances that make the informal route inappropriate, the manager should encourage the employee to participate in the informal process in the first instance.

## 4 Grievance investigation

Where it is felt that the informal process has been exhausted, a thorough investigation of the allegations and/or issues should be carried out. Any investigation must look impartially at the issues raised in the grievance and reach any conclusion based on the facts and evidence.

### 4.1 Timescales

It is important for the investigation to be concluded as soon as reasonably practicable. Managers should endeavour to investigate the grievance and provide the outcome to the employee who raised the grievance within **30 working days** of the Formal Grievance Form

being received. Managers and employees should be aware that an extension to this timescale may need to be agreed, depending on the complexity of the case.

## 4.2 Investigating officer

In some circumstances, the manager (Lead Officer) who receives the grievance may wish to appoint an Investigating Officer to look into the grievance on their behalf. In this situation, after thoroughly investigating the grievance, the Investigating Officer will report their findings back to the Lead Officer who will consider the evidence and make a decision as to the appropriate outcome.

Where a grievance is lodged against the Town Clerk, the Town Council Mayor should be consulted in order to make arrangements for the grievance to be heard by the established HR Sub Committee which have delegated responsibility for issues relating to the Town Clerk.

This document refers to 'Investigating Officer' and 'Lead Officer' throughout, however, where it was not felt necessary to appoint someone to investigate the grievance, the 'Investigating Officer' and 'Lead Officer' will be the same person i.e. the manager who originally received the grievance.

## 4.3 Grievance meetings

### 4.3.1 Employee raising the grievance

The Investigating Officer will arrange a meeting with the employee raising the grievance to discuss the issues in more detail within **10 working days** of the form being received.

The employee is entitled to be accompanied at the meeting by a trade union representative or a work colleague. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest. An employee may ask an official from any trade union to accompany them, regardless of whether or not they are a member of the union or the union is recognised. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany the employee.

If the person accompanying the employee cannot attend on the date suggested, the Investigating Officer should suggest another date, not more than 5 working days after the original date. This time limit may be extended by mutual agreement.

The purpose of the meeting is to:

- Clarify the nature of the grievance
- Identify what further information is needed
- Discuss the employee's proposals for resolving the issues
- Establish if a longer timescale will be necessary

At the end of the meeting the Investigating Officer should give the employee an indication of when they might reasonably expect a response to the grievance. If the Investigating Officer feels that a response cannot be provided within 30 working days, bearing in mind any additional investigations they feel may be necessary, an extension to the timescales should be agreed.

Where unavoidable delays occur, e.g. due to annual leave or sickness, the Investigating Officer should contact the employee, in writing, to agree revised timescales and to provide an update on the progress of the investigation.

#### **4.3.2 Employee who is the subject of grievance**

Where a grievance is raised against another employee, it is important to approach the situation sensitively and carefully.

The Investigating Officer should generally start by talking privately to the employee to alert them to the fact that a concern has been raised by a fellow employee. Following this, the employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

During the grievance investigation meeting, the Investigating Officer will explain the allegation(s) that have been made against the employee and will provide them with an opportunity to put forward their understanding of the situation.

#### **4.3.3 Witnesses**

In some circumstances, the Investigating Officer will be required to interview witnesses. The employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

Every effort should be made to avoid disclosing any confidential information unnecessarily, however, the Investigating Officer cannot give an unqualified commitment to maintain the confidentiality of a witness.

#### **4.3.4 Final grievance meeting**

To conclude the investigation, the Investigating Officer will arrange a final meeting with the employee who raised the grievance. The purpose of this meeting is enable the Investigating Officer to:

- Outline the key points of the investigation i.e. who has been interviewed
- Clarify that all areas of the grievance agreed in the initial meeting have been covered
- Allow the employee the opportunity to highlight any areas they feel have not been sufficiently investigated

- Allow the employee the opportunity to respond to any key issues that have come up during the investigation that were not covered at the initial meeting

#### **4.4 Responding to the grievance**

Once the Investigating Officer feels they have all the necessary facts and evidence to enable them to make a decision, they will compile a report summarising their findings and recommendations.

The Lead Officer will use the information gathered throughout the investigation and presented in the investigation report to determine whether or not the grievance should be upheld. If the grievance is upheld, the Lead Officer will also be responsible for determining what actions, if any, need to be taken.

### **5 Outcomes**

The list below is not exhaustive, but gives some examples of the possible outcomes of a grievance investigation.

#### Grievance not upheld

Where the Lead Officer has not found sufficient evidence to support any of the allegations made, the grievance will not be upheld and there will be no further action taken.

#### Grievance upheld (either in whole or in part)

Where the Lead Officer has found sufficient evidence to support all or some of the allegations made, there are a number of outcomes to consider in relation to each allegation:

- No further action
- Formal mediation - mediation may be suggested as an outcome as a way to resolve the grievance. This may have been entered into or suggested earlier in the process, however, in light of the findings of the investigation the Lead Officer may feel that it would help resolve the situation. See section 2.4.1 for more detail regarding mediation.
- Action plan - the Lead Officer may recommend the production of an action plan aimed to address the behaviour which has caused the problem. The action plan may include objectives, target setting and training.
- Permanent redeployment – the Lead Officer should consider whether contact between the parties is likely to occur during the course of their job and whether this is acceptable. Every effort should be made to redeploy the person against whom the complaint has been made, however, it may be necessary to consider which party

may be most appropriately redeployed having fully considered the views of the complainant.

- Disciplinary action - where it is clear that a conduct issue exists and there is a case to answer, disciplinary action may be considered. Further information can be found in the Town Council's Disciplinary Policy.

## 5.1 Communicating the outcome

The Lead Officer will provide a written response to the employee, summarising the outcome of the grievance investigation. The employee should also receive a copy of the investigation report.

The Lead Officer may feel that it is appropriate to arrange a meeting with the employee to talk through the findings and explain how they reached their decision

If the grievance was raised against another employee, the Lead Officer should also prepare a letter for them, summarising the outcome of the investigation (refer to section 3.10 for a template letter). The full report should **not** be sent to the employee who the grievance was raised against.

If the grievance was upheld and further action is required e.g. implementation of an action plan or disciplinary action, the Lead Officer must contact the employee's manager as soon as possible to enable these to be progressed in a timely manner.

## 6 Appeal

If the employee is dissatisfied with the decision of the Lead Officer, the employee has 10 working days from receipt of this decision to submit an appeal. The employee should appeal, in writing, setting out the grounds of appeal and send it to the Town Clerk / Corporate Services Manager

The Town Council's Appeals Committee constitutes the final forum within the Town Council for consideration of grievance issues.

## **7 Other types of grievance**

### **7.1 Collective grievances**

The provisions within the Employment Act 2002 (Dispute Resolution) Regulations 2004 allow grievances to be dealt with collectively where more than one employee has the same grievance:

- The parties will be treated as having complied with the relevant grievance procedure if the grievance is raised in writing on behalf of at least two employees (including the complaining employee) by an 'appropriate representative'.
- The 'appropriate representative' is defined as an official of an independent trade union recognised by the employer for the purpose of collective bargaining or an employee of that employer who was elected or appointed to represent employees and has authority to do so under an established procedure to resolve grievances.

### **7.2 Post-employment grievances**

This procedure applies where an employee has ended their employment with the Town Council and the Authority was not aware of the grievance before their employment ended or were aware but the formal procedure had not been started before the employment ended.

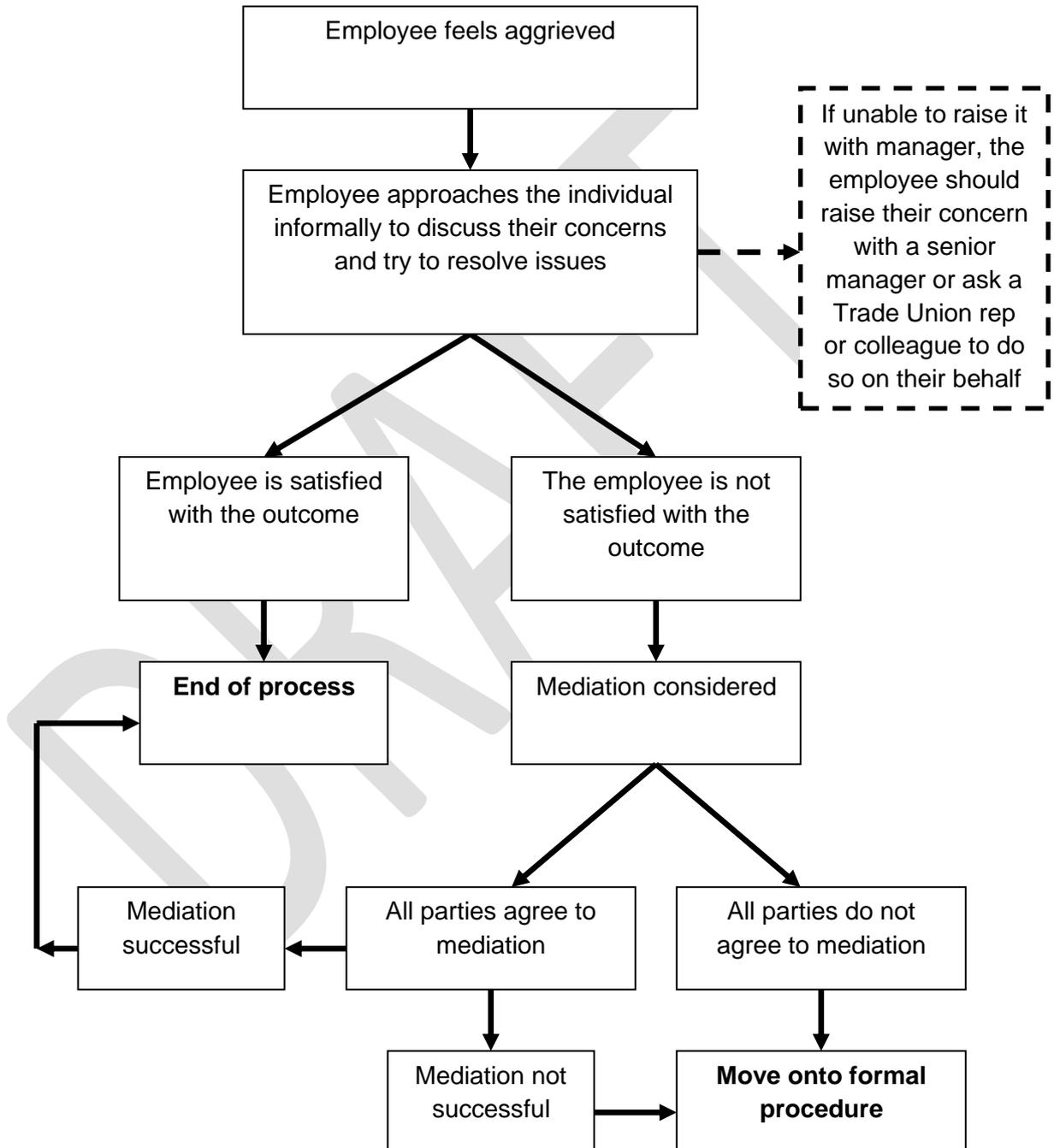
The former employee should put their grievance, in writing within 3 months of the effective date of termination, to their former manager. Where the grievance is against the former employee's manager, the grievance should be submitted to the Town Clerk / Corporate Services Manager.

The manager must investigate the grievance, although there is no requirement to meet with the former employee, and should respond, in writing, within 10 working days of receiving the grievance.

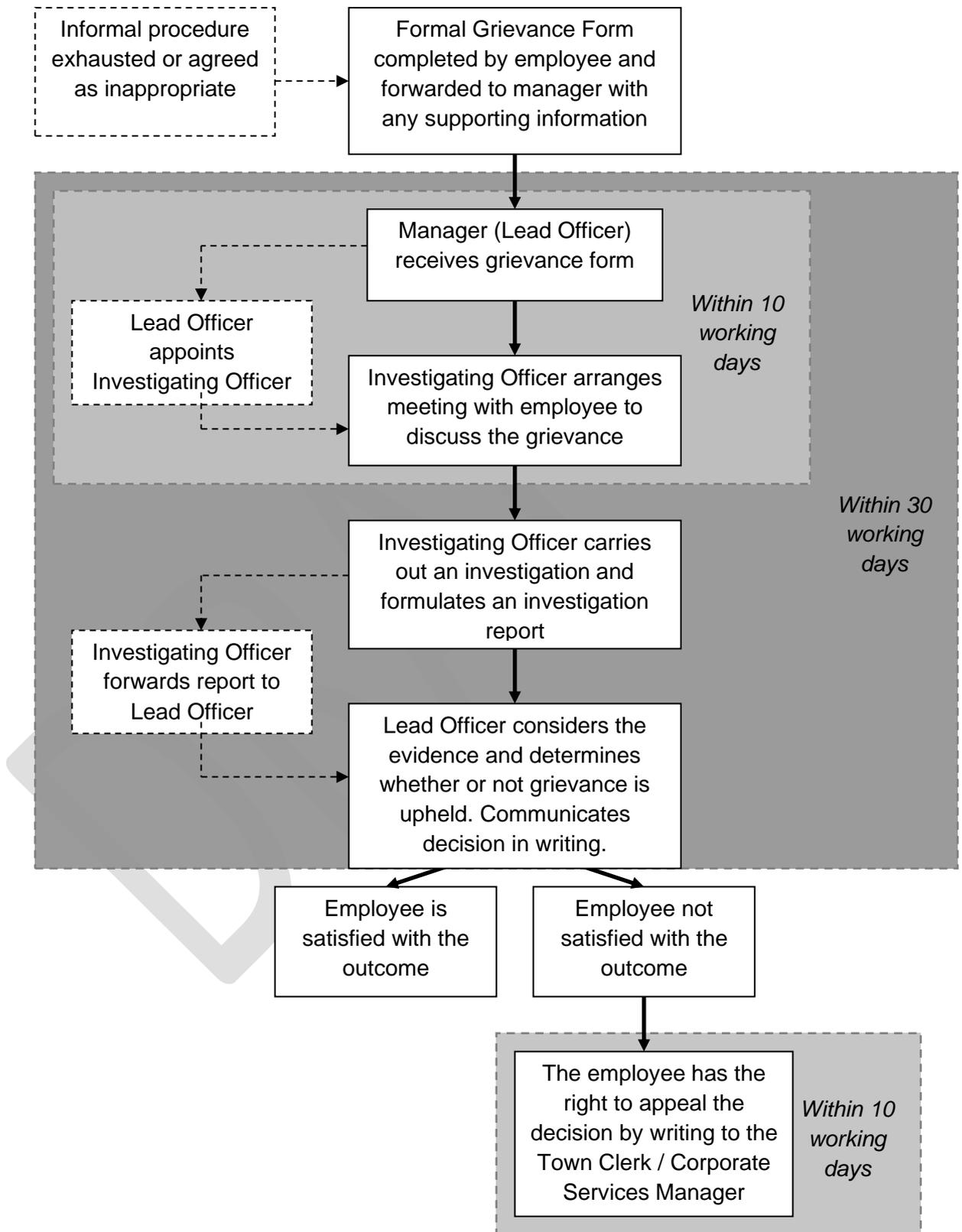
This is then the end of the procedure for Peterlee Town Council, there is no right of appeal.

## 8 Flowchart

### 8.1 Informal grievance process



### 8.2 Formal grievance process



## 9 Supporting documents

The following document can be accessed via your line manager.

A	Formal grievance form
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## 10 Further information

### 10.1 Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 2018 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

### 10.2 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The Town Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

### 10.3 Equality and diversity

The Town Council is committed to including equalities in everything that it does. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating a diverse workforce and community.

### 10.4 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the Town Clerk / Corporate Services Manager.

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