

## Grievance Procedure

### 1. INTRODUCTION

Grievances are concerns, problems or complaints that employees have other than those related to the grading of their post.

Trowbridge Town Council (“the Council”) recognises that grievances can have a considerable effect on employees’ ability to work and on their work and personal lives. Employees are therefore encouraged to raise any concerns as quickly as possible in order that grievances can be addressed.

Before raising grievances employees should consider whether the issue affects them personally or is an organisational matter that should be dealt with under the Town Council’s ‘Whistle Blowing’ procedure (Appendix 19 of the Staff Handbook).

#### Notes:

- 1) *Complainants are advised to keep copies of all records relating to their grievance.*
- 2) *All discussions should remain confidential between those parties involved.*
- 3) *The Council recognises that some employees may feel unable to prepare a written grievance and may require some assistance. In these instance help will be made available through the Human Resources (HR) department.*

### 2. PROCEDURE

#### 2.1 Informal Stage

Where an employee has a grievance on a subject relevant to their employment they should discuss the matter with their line manager. If the grievance is directly with the employee’s line manager, then another senior manager should be approached. If the misconduct relates to the Town Clerk, this should be referred to the Leader of the Council.

Within 2 working days the manager will provide a verbal response detailing what action has been/is to be taken, along with any timescales involved. The manager should complete the “Informal Stage” of the grievance form (see Appendix 1) and submit it to the HR department for filing, along with any related paperwork which may be called upon if the grievance is not resolved.

If the employee is dissatisfied with the verbal response they can consult their trade union or other staff or professional representative (where applicable) who may then take the matter up with the manager. In such instances the manager should record the additional discussions and pass them to the Head of Service: Resources & Venues for filing with the grievance form.

The employee may then proceed to the formal stage without further reference to their immediate line manager.

#### 2.2 Formal Stage

If it has not been possible to resolve the grievance informally (see section 2.1) the employee should write to the Town Clerk detailing the nature of the grievance.

The Town Clerk will invite the employee, in writing, to a meeting to take place within 5 working days from receipt of the grievance. The employee is encouraged to be accompanied by a companion of their choice, ideally another employee or trade union representative. If more than one person is involved in the grievance, then others directly involved should attend.

The complainant and their companion should take all reasonable steps to attend the meeting.

At the meeting

- **the Complainant** should;
  - be given the opportunity to explain the grievance
  - be invited to make suggestions on how it can be resolved
  
- **the Complainant's companion** may;
  - confer with the complainant during the meeting
  - address the hearing to put the workers case or respond on behalf of the complainant to any views expressed at the meeting  
*they may not*
  - answer questions on the complainants' behalf
  - prevent the employer from explaining their case
  
- **the Town Clerk** should;
  - listen to the complainants' grievance and recommendations
  - consider whether the meeting should be adjourned to enable investigations to be carried out
  - clarify whether an informal verbal grievance was made and whether this information can be called upon as part of the investigation
  - adjourn the meeting before a final decision is made (to give time to consider the discussions)

The Town Clerk will write to the complainant advising them of his decision, ideally within 1 working day of the meeting but at the latest within 3 working days. The response should notify the complainant of their right to appeal against the decision.

If a decision is made to adjourn the meeting pending an investigation, the complainant should have this confirmed, in writing, and Head of Service: Resources and Venues asked to carry out an investigation and report their findings to the Town Clerk. A subsequent meeting will be arranged, as soon as possible, between the Town Clerk, the complainant and their companion.

If an informal grievance was made the Town Clerk should obtain the grievance form from the complainants' personnel file and complete the "Formal Stage" (see Section 2.1/Appendix 1), attaching any supporting information.

If no informal grievance was made a grievance form should be started and the lack of an informal grievance indicated in the "Informal Stage" (stating the reasons why).

Grievance forms should be passed/returned to the Head of Service: Resources and Venues for retention on the individuals' personnel file.

### **3. APPEALS**

#### **3.1 Appeal - Stage 1**

If the complainant is dissatisfied with the decision of the formal meeting they should, as soon as possible and within 10 working days, send a dated letter to the Town Clerk, detailing reasons for the appeal.

Within 5 working days of receipt of the appeal the Town Clerk should invite the complainant, in writing, to a further meeting to discuss their grievance. The complainant should be given the right to be accompanied by a companion and should take all reasonable steps to attend the meeting. Information from both the informal and formal stages will be requested.

Head of Service: Resources & Venues should be notified of the meeting date to ensure that all relevant paperwork, including a copy of the grievance form, can be issued to the Town Clerk for consideration.

Stage 1 appeal hearings should take place as soon as possible but at the very latest within 5 working days of the appeal being received. In extreme circumstances this may be increased to 10 working days.

At the meeting

- **the Complainant** should;
  - be given the opportunity to explain their grievance and appeal
  
- **the Complainant's companion** may;
  - confer with the complainant during the meeting
  - address the hearing to put the workers case or respond on behalf of the complainant to any views expressed at the meeting  
*they may not*
  - answer questions on the complainants' behalf
  - prevent the employer from explaining their case
  
- **the Town Clerk** should;
  - listen to the complainants' grievance and reasons for appeal
  - adjourn the meeting before a final decision is made (to give time to consider the discussions)

Following the meeting the Town Clerk will send written confirmation to the complainant within 3 working days. The letter should contain details of procedures and timings necessary to resolve the grievance and information on how to take the grievance to final appeal stage should the complainant remain unhappy with the outcome.

A copy of the letter of appeal and the Town Clerk's response should be attached to the grievance form before being returned to Head of Service: Resources & Venues for filing.

### **3.2 Appeal – Stage 2 (final)**

If the complainant is dissatisfied with the appeal decision they should, as soon as possible and within 10 working days send a further dated letter to the Town Clerk explaining the reasons for their final appeal.

The Town Clerk will arrange for a meeting between the complainant and a Panel composed of at least three members of the Council. The meeting should take place as soon as possible but at the very latest within 10 working days of receipt of the final appeal.

Head of Service: Resources & Venues should be notified of the meeting date to ensure that all relevant paperwork, including a copy of the grievance form, can be issued to the Panel for consideration.

Following the meeting the Panel will consider the complaint and make its decision or make a recommendation to a meeting of the Council or the Policy & Resources Committee to which the council has delegated such decisions. The complainant should be notified, in writing, of the outcome and if the outcome is a recommendation to the Council or a committee, the complainant will be informed of the date on which the Council or committee will consider the recommendation.

If the Panel make a decision, that decision of the Panel is final. If the Panel make a recommendation to the Council or committee, that decision of the Council or committee will be final.

The Town Clerk will notify the complainant in writing of the decision as soon as possible following the decision, but within 3 working days.

All paperwork relating to the grievance should be returned to Head of Service: Resources and Venues for filing on the individuals file.

**4. DOCUMENTATION**

All paperwork relating to a grievance e.g. grievance forms, letters, evidence obtained in investigations, will be held on the employee's personnel file for a period of 12 months from the satisfactory conclusion of the grievance. After this time the information will be securely destroyed.

**APPENDICES**

**Appendix I Grievance Form**

**Lance Allan – Town Clerk & Proper Officer**

Signed .....

Dated .....

*This procedure will be amended as and when the size and nature of the council changes or when new legislation is introduced. Approved on 18<sup>th</sup> May 2021. Otherwise date of next review is May 2025.*

**GRIEVANCE FORM**

**Employee:**

**Job Title:**

**Line Manager:**

**Companion:**

**Date of submission of grievance:**

**Nature of the Grievance:** *(to be completed by the employee and supported by their representative – a separate sheet of paper may be used if required)*

<b>Procedural Stage</b>	<b>Comments / Actions / Recommendations / Decisions</b>	<b>Signatures &amp; Dates</b>
<b>Informal Stage</b> Meeting with line manager or other manager		<b>Managers Signature</b>  <b>Date:</b>
<b>Formal Stage</b> Meeting with Town Clerk: <i>attach letter of grievance</i>		<b>M.A. Signature</b>  <b>Date:</b>
<b>Appeal – Stage 1</b> Meeting with Town Clerk: <i>attach letter of appeal</i>		<b>Town Clerk Signature</b>  <b>Date:</b>
<b>Appeal – Stage 2 final</b> Meeting with Personnel Panel: <i>attach letter of final appeal</i>		<b>Panel Member Signature</b>  <b>Date:</b>
<b>Appeal – Stage 2 final</b> Panel recommendation taken to Council/Committee for decision		<b>Mayor / Chair Signature</b>  <b>Date:</b>

