

LLANGYNWYD MIDDLE COMMUNITY COUNCIL GRIEVANCE PROCEDURES

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INTRODUCTION

This procedure is based on the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

(https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acasguide/pdf/DG_Guide_Feb_2019.pdf). It 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 procedure will be applied fairly, consistently and in accordance with the Equality Act 2010.

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 grievance procedure does not cover and does not intend to be applicable for any dispute that a Councillor may have with a fellow Councillor. Councillors are not employees of the Council.

1. PRINCIPLES

The Grievance Procedure applies to all employees of the Council – it exists to ensure that grievance problems at work are solved as quickly and as fairly as possible. It is intended that both the Council and its employees should view the use of this procedure in a constructive light.

The aim of the Grievance Procedure is to settle grievances fairly and it is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made in order to avoid proceeding to the next stage and to settle the issue amicably.

In the case of a grievance being taken out as a counter-grievance, or in response to the instigation of disciplinary action, it may be appropriate to deal with both issues concurrently. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

If an employee has a problem with any other member of staff or a member of the Council, and is unable to sort it out informally, the matter should be referred to his/her immediate supervisor. You may be able to agree an informal solution between you. In some cases this may also involve assistance such as mediation.

If the problem is serious or remains unresolved or the employee wishes to raise the matter formally, the employee can invoke the formal grievance procedure.

At each stage of the procedure, there will be at least one meeting to discuss the grievance.

At each stage of the procedure an employee is entitled to be represented or accompanied by his/her union representative or by a work colleague of his/her choice.

The date and time of (any) grievance hearing(s) shall be agreed between the employee, his/her representative and the representative of the Council.

The employee and his/her representative will be allowed an adequate time to prepare the employee's case, within the time limits as set out below.

2. THE PROCEDURE

A grievance should be raised without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.

In all cases and at all stages, the employee must detail in writing the specific circumstance or circumstances which constitute the grievance, with dates times, witnesses, etc. as applicable. Employees should stick to the facts and avoid insulting or abusive language.

The procedure has three stages as set out below. At each stage of the procedure formal records shall be kept, and the result of each stage shall be confirmed in writing. The employee is encouraged to keep his/her own records, and is entitled to record his/her disagreement as to the accuracy of the formal records or of the result.

At each stage of the Grievance Procedure the person or panel hearing the case shall undertake a full investigation and there shall be a hearing, to allow the employee to put his/her case and stage how they would like to see it resolved.

The stages of the procedure are as follows:

Stage I

Any grievance should first be raised in writing with the immediate supervisor who should attempt to settle it as soon as possible. S/he will invite the employee to attend a meeting, normally with **five working days**, to discuss the matter. The immediate supervisor will hold any additional meetings as would, in her/his view, resolve the grievance. The immediate supervisor may adjourn the meeting if it is necessary to investigate any new facts that arise.

If the grievance is against the immediate supervisor, the matter should be raised with the Chairman or Vice-Chairman of the Council as appropriate. In the case of the Clerk, the matter should be raised with the Vice-Chairman. Whoever deals with the grievance at this stage, will be excluded from hearing the case at any later stage.

Stage II

If not resolved by the immediate supervisor within **ten working days**, the matter may be raised with the Council. The grievance should be set out in writing, dated and sent to the Chairman. The Chairman (with another two Councillors) will call a hearing to take place within **ten working days** of the matter being formally raised. The Chairman shall ensure that a minute-taker is present. See conduct of the hearing in paragraph 8 below.

Stage III – Appeal

If still unresolved, the matter may be referred, in writing, to the Chairman of the Appeals Committee, who will convene a meeting of the Appeals Committee. The members of this Committee should, if at all possible, have had no direct involvement in the case. The Panel shall ensure a minute-taker is present.

The Appeals Committee will hold a hearing as soon as possible, but not later than **fifteen working days** from the receipt of the formal notification from the employee.

The decision of the Appeals Committee shall be final.

3. GROUP GRIEVANCE

Where a group of employees has a collective grievance the procedure should start at Stage II above.

4. INFORMAL MEETINGS

The procedural steps detailed above will not preclude any informal meetings which may from time to time be considered mutually to be appropriate.

5. TIME LIMITS

The time limits expressed in this procedure will be regarded as the normal maximum time limits required. They may, however, be extended by mutual agreement and any such extension shall be noted in writing to the employee by the employer.

6. EXAMPLES OF POSSIBLE REASONS FOR A GRIEVANCE

It is not the aim of this procedure to deal with reasonable and justifiable managerial decisions which an employee may disagree with. The list provided below is not exhaustive and there may be other examples of possible reasons for a grievance:

- unreasonable/unjustified refusal to grant annual leave
- unreasonable/unjustified refusal to grant an approved absence
- provision of conflicting, contradictory instructions/supervision
- persistent lack of support/supervision which affects the employee's ability to carry out his/her job
- refusal to deal with, or inadequate resolution of work problems between colleagues
- unwillingness or failure to deal with health and safety issues

7. GRIEVANCE HEARING – STAGE II

- (i) The Chairman of the Council must convene a grievance hearing within **ten working days** of receiving the employee's written grievance.
- (ii) The Chairman will introduce the meeting, read out the grounds of the employee's grievance, ask the employee/representative if they are correct and require the employee/representative to provide clarification regarding details of the grievance if unclear.
- (iii) The employee/representative will be given the opportunity to put forward her/his case and say how they would like to see it resolved. The employee/representative may call witnesses and refer to any documents previously provided to the Clerk or Chairman. Legal representation is precluded from all stages of the Grievance Procedures.
- (iv) The Chairman and the Clerk or Vice Chairman may question the employee and any of the employee's witnesses.
- (v) The Chairman and the employee/representative may question the immediate supervisor who dealt with Stage I of the procedure.
- (vi) The employee/representative will be given the opportunity to sum up but may not introduce any new material.
- (vii) The Chairman will adjourn the hearing and give due consideration to the case.
S/he may need to seek technical and professional advice and information from

internal and external sources as appropriate. The Chairman may adjourn the hearing for up to **fifteen working days**.

- (viii) The hearing may be adjourned by the Chairman if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.
- (ix) Having considered the case, the Chairman will give her/his decision regarding the case and confirm this in writing to the employee within **five working days**. S/he will also inform the employee of her/his right of appeal, which must be made to the Chairman of the Appeals Committee within **ten working days** of receipt of the written decision.

The Chairman will likewise make sure to share, in confidence, her/his decision with the other two Councillors who formed part of the original grievance hearing. Furthermore, the Chairperson shall ensure that full records of proceedings are available within 3 working days to the Appeal Committee should they be required in the event of an appeal application.

For the purpose of general record keeping by the Council decisions and outcomes at all stages of a grievance procedure shall be recorded under the Confidential section of the minutes and give only a macro overview of the status so as to always protect the integrity of the relationship between the Council and its employee. Only in the case of a competent Court ruling will the whole matter be divulged.

8. APPEAL HEARING – STAGE III

- (i) An Appeal Hearing will be held as soon as possible, but not later than **fifteen working days** from the receipt of the formal notification from the employee.
- (ii) The Chairman of the Appeals Committee will introduce the meeting, read out the grounds of the employee's appeal, ask the employee if they are correct and require the employee to provide clarification if any of the grounds of appeal are unclear. All members of an Appeal Committee must recuse themselves whenever a grievance is debated by Council.
- (iii) The employee will be given the opportunity to put forward her/his case, explain why s/he is not satisfied with the outcome at **Stage II**. The employee may call witnesses and refer to the Chairman's written decision and any other documents circulated to the Chairman prior to the appeal hearing.
- (iv) Members of the Appeals Committee may question the employee and any of the employee's witnesses.

- (v) Members of the Appeals Committee and the employee may question the Chairman who dealt with Stage II of the procedure.
- (vi) The employee will be given the opportunity to sum up but may not introduce any new material.
- (vii) The Chairman of the Appeals Committee will adjourn the hearing and the Panel will give due consideration to the case. It will be acceptable for the Chairman of the Appeals Committee, on behalf of the Panel, to seek technical and professional advice and information from internal and external sources as appropriate (e.g. advice and information on employment law or The Council's personnel policies and procedures, etc.). The Chairman of the Appeals Committee may adjourn the hearing for up to **fifteen working days**.

The decision of the Appeals Committee will be FINAL.

9. RECORDS

Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998 which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.