



## Seaford Town Council Grievance Policy

### 1. PURPOSE AND SCOPE

It is the policy of the Seaford Town Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2016..

### 2. PRINCIPLES

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently.
- c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a Grievance..

### 3. PROCEDURE

#### 3.1 Informal Approach

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management.

In the case of the Town Clerk raising a grievance this should be in the first instance raised with the Chair of the Personnel Committee, unless the complaint is about the Chair of the Personnel Committee in which case the Mayor should handle the Clerk's concerns.

The recipient of the grievance will meet with the employee to discuss the nature of the grievance and establish if an informal approach can be taken, usually by meeting with all involved parties and discussing the concerns.

Discretion and confidentiality will be upheld at all times throughout this process. If required, the Chair of the Personnel Committee or Mayor, whoever is dealing with a grievance from the Clerk, may wish to seek external professional support during this process.

#### 3.2 Formal Approach

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management.

If relating to the Town Clerk the grievance should be addressed to the Chair of the Grievance Sub-Committee. Likewise, if the Clerk is making the grievance this should be given to the Chair of the Grievance Sub-Committee.

Upon receipt of a formal written grievance, the Chair of the Grievance Sub-Committee will need to take steps to arrange a meeting of the Grievance Sub-Committee. The Clerk or PA to the Town Clerk can carry out the administration arranging the meeting. The Chair of the Sub-Committee should look to seek external professional support at this meeting.

### **3.3 Meeting or Hearing**

Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the line manager or Chair of the Grievance Sub-Committee will arrange a meeting with the employee.

The Hearing Manager will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

The Hearing Manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance.

The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately.

The Panel may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

It is not practical to expect the entire Grievance Sub-Committee to carry out an investigation in to a grievance. The Sub-Committee would therefore hold a properly convened meeting to initially discuss the grievance with employee. The Chair of the Grievance Sub-Committee should take the lead on investigating a grievance further, if deemed necessary by the Sub-Committee having heard the initial grievance, and report findings back to the Sub-Committee at a further properly convened meeting. The Sub-Committee will then discuss the investigation and findings and agree on a response to the grievance.

At any point in the above stages, external support should be sought where felt necessary to ensure a fair and just process is followed.

### **3.4 Response**

The Hearing Manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience. There may be some value in exploring Mediation as a way in which to resolve differences between two parties.

### **3.5 Appeal**

If the employee is dissatisfied with the outcome of his/her grievance investigation, s/he may appeal against the decision to the Appeals Committee by written notice within five working days of the decision. An appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair;
- New evidence has come to light;
- The employee thinks that the procedure was not applied properly.

On receipt of the appeal the Council's Appeals Committee shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as the Committee shall consider appropriate without unreasonable delay. This will be a properly convened meeting of the Committee.

The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. The Appeal Committee decision will be final.

The Council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

### **3.6 Misconduct**

If a grievance is deemed to concern the misconduct of another employee, the Council's Disciplinary Procedure will need to be referred to and separate investigations in to the alleged misconduct carried out.

Where the grievance concerns the misconduct/breach of the Code of Conduct of a Member, the employee will be advised that if they wish they can lodge a formal complaint with the Monitoring Officer at Lewes District Council, who will lead an investigation in any allegations made.

### **3.7 Right to be Accompanied**

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

### **3.8 Hearing Panels**

In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

### **3.9 Confidentiality**

So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the manager, Member or Committee investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### **3.10 Record Keeping**

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

### **3.11 Grievances raised during Disciplinary Proceedings**

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Adopted: November 2016

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