



## PORTISHEAD TOWN COUNCIL

### GRIEVANCE POLICY

#### INTRODUCTION

The Council recognises the need for a fair, speedy and consistent process for any employee of the Council to raise a grievance in connection with their employment. The Council will seek to resolve any grievance arising in accordance with the provisions of the Employment Act 2008. To comply with the employment regulations the Council will use a mediator if the problem is difficult to resolve.

The procedure is designed to deal with grievances arising directly out of the employees' employment or some working practice of the Council. It is not intended that this procedure should in any way modify or replace any existing procedures laid down in the National Conditions of Service for Local Authority Employees (the 'Green Book') or change any established procedures for the resolution of particular problems. Matters excluded from this procedure are as follows –

- Salary or grading
- Discipline
- Income tax, national insurance, rates of pay collectively agreed at the national level
- Rules of pension scheme
- A grievance about a matter over which the Council has no control

#### GRIEVANCE PROCEDURE

##### 1. Informal Procedure

It is the Council's policy that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

If an employee has a grievance about their employment they should discuss it informally with the Clerk of the Council. If the Clerk has a grievance it should be raised with the Chairman of the Council or the Chairman of the Staffing & Finance Committee, as appropriate. The person with whom the grievance is raised will attempt to resolve the matter by informal discussion and respond to the employee as soon as possible or in any event within five working days.

In the event that a grievance is against the Clerk of the Council, an employee may raise the matter with the Chairman of the Council.

The Council hope that the majority of concerns will be resolved at this stage.

Where it becomes evident that the matter cannot be resolved informally, an employee should instigate the formal procedure.

## **2. Formal Procedure**

### **Stage 1**

If a grievance cannot be settled informally the employee must submit their grievance in writing to the Chairman of the Council.

### **Stage 2**

The Chairman of the Council will instruct the Clerk or Assistant Clerk to convene a meeting of the Grievance Hearing Panel. This meeting will be held within 5 working days.

The employee will be invited to attend the Panel Hearing to discuss the matter. The invitation will advise the employee of their statutory rights to be accompanied by a work colleague or other appropriate person.

The Panel will advise the employee of their decision in writing and, where appropriate, include an action plan to assist in the resolution of the problem.

If the employee wishes to appeal against the Panel's decision s/he must inform the Chairman of the Council within five working days of receiving the decision.

### **Stage 3**

On receipt of notice of appeal the Chairman will instruct the Clerk to convene a meeting of the Appeals Panel. This meeting will be held within 5 working days of receiving the notice of appeal.

After the Hearing the employee will be informed of the Panel's decision, in writing within five working day. The decision of the Appeal Panel is final.

## **3. Modified Procedure to be used after employment has ended**

The modified procedure is intended to be used in circumstances where the employee has already left employment and either

- The Council is unaware of the grievance until after the employment ends.
- The Council is aware of the grievance but the standard 3-stage procedure has not started or has not been completed by the time the employment has ended and the employee and the Council have agreed in writing that the modified two-step procedure may be followed instead.

A typical example would be in cases of constructive dismissal where it would be inappropriate for an employee to return to work to discuss the issues in person.

### **Step 1**

As with the 3-stage procedure, the ex-employee must submit their grievance in writing to the Chairman of the Council.

## **Step 2**

Having received the formal grievance letter the Chairman will instruct the Clerk or Assistant Clerk to convene a meeting of the Grievance Panel within 5 working days. The Panel will consider the case and notify the employee of their decision in writing within 5 working days.

### **4. General Procedural Information**

- Grievance matters will normally be investigated by the Clerk in the first instance.
- Where the grievance is raised by the Clerk investigation will be carried out by the Chairman.
- If a grievance is about the Clerk the matter should be raised with the Chairman who will investigate the matter
- A record will be kept of the grievance process and will include –
  - The nature of the grievance raised
  - A copy of the employee's written grievance statement
  - The Council's response to the grievance
  - What action is taken and the reasons for that action
  - The outcome of any appeal
  - Any subsequent developments
- A record of the Grievance Panel hearing and any Appeals Panel hearing will be taken by the Clerk. Where the Clerk is involved in the proceedings the Council will arrange a mutually acceptable alternative.
- Records will be treated as confidential and retained for no longer than is necessary in accordance with the Data Protection Act.

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