



TORPOINT TOWN COUNCIL

EMPLOYMENT GRIEVANCE POLICY

DATE OF APPROVAL: - JANUARY 2022

REVIEW DATE: - JANUARY 2024

**REVIEWING COMMITTEE – Finance and Personnel
Committee**

TORPOINT TOWN COUNCIL
EMPLOYMENT GRIEVANCE POLICY

It is the policy of Torpoint 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 2009 as set out in the Employment Act 2008.

1. 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 against the council.

2. PROCEDURE

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/RFO raising a grievance, this should be directed to the Mayor of the Council unless the complaint is about the Mayor in which case the Deputy Town Mayor can be identified to handle the complaint. The recipient of the grievance from the Clerk should share the grievance with the Finance and Personnel Committee established to handle employment matters and the issues should be treated with discretion and confidentiality at all times. The Resolution Policy can be referred to for guidance.

Written Statement:

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.

Meeting or Hearing:

Generally, within a reasonable period of time generally five working days of receipt of a written complaint, the Line Manager or Chairman of the Finance and Personnel Committee will arrange a meeting with the employee. The line manager or Chairman of the Finance and Personnel Committee will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. It is advisable to have an unbiased note taker present at the meeting. The manager/Chairman 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.

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The employee may call witnesses by prior arrangement with the manager/Chairman. 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 person hearing the grievance may wish to make their own investigations through interviewing these individuals and/or other witnesses separately. The Line Manager/Chairman 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.

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. Torpoint Town Council will consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor and review and learn from the experience, as necessary. As part of the solution Torpoint Town Council might consider exploring mediation as a way in which to resolve differences between two parties, and refer to the Resolution Policy.

Appeal:

If the employee is dissatisfied with the decision of the line manager on his/her complaint, s/he may appeal against the decision to the Mayor 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, an appeal hearing will be arranged without unreasonable delay, according to the table below: -

TYPE OF GRIEVANCE	HEARING MANAGER (referred to)	APPEAL HEARING MANAGER
Employee (not the Town Clerk)	Immediate Line Manager	Town Clerk or Town Mayor
Town Clerk	Chairman of Finance and Personnel Committee	Town Mayor

Where the grievance involves either the Town Mayor or the Chairman of Finance and Personnel Committee the Town Mayor will be replaced by the Deputy Town Mayor and the Chairman of Finance and Personnel Committee replaced by the Deputy Chairman of this Committee.

The appeal hearing shall consider the issues and shall then take all such steps as considered necessary to resolve those issues. The council will 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.

Bullying or Harassment:

If a grievance concerns alleged bullying or harassment the matter will be handled according to this policy, with reference to the Council's Dignity at Work Policy. In the case of alleged perpetrators being elected Members, a Code of Conduct complaint should be lodged by the council through the Monitoring Officer at Cornwall Council.

Right to be accompanied:

At any 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

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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 in accordance with the Employment Relations Act 1999.

Confidentiality

So far as is reasonably practicable, Torpoint Town Council will keep any grievance or complaint of harassment confidential between the manager or Member 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.

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 Torpoint Town Council Data Protection and Records Management Policy.