



# Frodsham Town Council Grievance Policy & Procedure

[In compliance of Employment Act 2002 (Dispute Resolution) Regulations 2004]

## 1 Introduction

- 1.1 Frodsham Town Council (FTC) is committed to promoting an agreeable & rewarding working environment for its employees and to furthering positive working relationships between Councillors & Officers. However, the Council recognises that there may be occasions when employees need to discuss in confidence personal problem and problems relating to an aspect of their work that could affect their performance and general attitude to their job.
- 1.2 This document defines FTC's Grievance Policy & Procedure to facilitate resolution of such concerns.

## 2 The Policy

- 2.1 FTC will support the right of employees to raise legitimate grievance about their work, working environment or working relationships.
- 2.2 FTC will endeavour to deal with such concerns raised by employees fairly & speedily to reach a satisfactory outcome and to prevent escalation of issues.
- 2.3 *The aim* of the Policy is to provide an employee who considers that he/she has a grievance with an opportunity to raise his/her concerns, have them examined quickly & effectively and, where a grievance is deemed to exist, to have it resolved at the earliest practicable opportunity.

## 3 Definition

- 3.1 In the context of this Policy, a *Grievance* is a complaint by an employee about an action that the employer has taken, or is contemplating taking, in relation to him or her.
- 3.2 It includes grievances about the actions of third parties & work colleagues where the employer could be held liable under law.
- 3.3 'Whistle blowing' disclosures are excluded unless the employee chooses to make such a disclosure under the Grievance Procedure. The employee has the right to choose whether to raise such concerns as a 'grievance' or as a 'protected disclosure' as defined in the Public Interest Disclosure Act 1998.

## 4 Context & Scope

- 4.1 The Policy is subject to statute and applies to all staff employed by FTC.

## 5 The Procedure – Informal Resolution of a Grievance

- 5.1 An employee wishing to raise a concern about his/her work, working environment or working relationships with another employee or a Councillor will, in the first instance, approach the Chair of the Policy & Process Committee (P&PC).
- 5.2 In the event of the grievance concerning the Chair of P&PC, the employee will approach the Council's Chair.
- 5.3 The Chair of P&PC (or the Council) must record details of the concern(s) raised and the outcome of the discussion(s).
- 5.4 If the employee is not satisfied with the outcome of informal discussion(s), he/she will initiate the Formal Procedure.

## 6 The Formal Procedure

- 6.1 If an employee's grievance cannot be settled informally, he/she should raise it formally as defined below.
- 6.2 *Stage 1 – Put It In Writing:* The employee should, in the first instance, put it in writing and address it to the Chair of the Policy & Process Committee (P&PC).
- 6.3 *Stage 2 – Meet and Discuss*
  - FTC will appoint a Grievance Panel consisting of a maximum of three Councillors who are not connected with the employee's concern(s).
  - The Panel will:
    - Acknowledge receipt of the letter of grievance;
    - Make arrangements for a meeting to take place without undue delay; and
    - Invite the employee to the meeting to discuss the grievance.
  - A minimum of three days' notice will normally be given of the date, time & venue of the meeting.

- The employee must take all reasonable steps to attend the meeting. He/she has the right to be accompanied by a colleague, a friend or a Trade Union official at the meeting.
- In the event of the meeting being cancelled due to unforeseen circumstances, the Panel must arrange a new meeting within a reasonable time.
- The Panel must notify the employee of its decision in writing within five working days of the grievance hearing in writing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

#### 6.4 Stage 3 – Appeal

- If the employee remains dissatisfied at the end of Stage 2, he/she may appeal within five working days of the Panel's decision in writing.
- FTC will appoint an Appeal Panel consisting of a maximum of three Councillors who are not connected with the employee's concern(s) and who were not involved in the grievance hearing.
- The Panel will:
  - Acknowledge receipt of the letter of appeal;
  - Make arrangements for a meeting to take place without undue delay; and
  - Invite the employee to the meeting to discuss the appeal
- A minimum of three days' notice will normally be given of the date, time & venue of the meeting.
- The employee must take all reasonable steps to attend the meeting. He/she has the right to be accompanied by a colleague, a friend or a Trade Union official at the meeting.
- The Panel must notify the employee of its decision in writing within five working days of the appeal hearing. If it is not possible to respond within this time period, FTC will give the employee an explanation for the delay and a deadline for the decision.
- The Appeal Panel's decision is final.

### 7 Former Employees

7.1 The Formal Procedure (para 6) will apply in all grievance cases whether or not the employee is still in the Council's employment.

### 8 Exclusions

8.1 The Grievance Procedure will not apply to instances where an employee seeks to express a grievance about a matter that:

- Has been heard under the Grievance Procedure within the previous six months;
- Is outside FTC's control, eg, matters within the scope of specific legislation (eg, Health & Safety, Freedom of Information Legislation);
- Is the subject of proceedings relating to performance or discipline and FTC has notified the employee of the date of interview (or formal hearing) in accordance with its Performance Management or Disciplinary Procedures respectively;
- If FTC has dismissed or is contemplating dismissal, or has taken or is contemplating taking disciplinary action short of dismissal (other than disciplinary warnings and suspension of pay). (FTC's Disciplinary Procedure applies).
- Is the subject of any collective dispute procedure agreed between FTC and a Trade Union recognised by FTC.
- If employment has ended before the initiation of the Procedure and it is not reasonably practicable for the employee to initiate the Procedure (eg the employee has moved away).

8.2 Circumstances In which the parties are deemed to have complied with the Grievance Procedure:

- When an employee raises a grievance in writing during a Disciplinary Procedure:
  - The Grievance Procedure will apply if the employee considers that disciplinary action taken by FTC constitutes unlawful discrimination or was taken for ulterior motives (ie the action was not taken on grounds of unacceptable conduct or performance).
  - In this event, the parties are deemed to have complied with the Grievance Procedure in full so long as the employee submits his/her grievance in writing before the appeal hearing under the Disciplinary Procedure.
- When the Grievance Procedure is not completed because employment has ended and it has ceased to be reasonably practicable to comply with the remainder of the procedure.