



SHREWSBURY TOWN COUNCIL

GRIEVANCE PROCEDURE

AIMS OF THE POLICY

Shrewsbury Town Council recognises that all staff should be treated fairly and with respect and aims to provide a supportive framework in which staff are able to raise any workplace problems, complaints or concerns.

This procedure provides a formal mechanism to address grievances and bring about a satisfactory resolution in a fair, consistent, transparent, thorough, but prompt manner. It is intended that both the Town Council and its staff should view the use of this procedure in a constructive light.

The procedure is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage and to settle the issue amicably.

If the complaint relates to bullying or harassment, the employee should raise it under the Town Council's separate Dignity and Respect at Work Policy.

If the concern is about suspected malpractice, fraud or wrongdoing in relation to the Town Council's operations, the employee should raise it under the Town Council's separate Whistleblowing Policy.

This procedure mostly refers to a single employee engaged in a grievance but, where taken up by multiple employees, the same procedures shall apply.

Similarly, individual grievances will not cover issues more properly dealt with under established appeals procedures, such as those relating to promotions or redundancy.

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

If the Town Clerk, wishes to raise a grievance this should be directed to the Chair of Personnel Committee unless the complaint is about the Chair in which case another Member can be asked to handle the Town Clerk's concerns. The recipient of the grievance from the Town Clerk should share the grievance with the Personnel Committee and the issues should be treated with discretion and confidentiality at all times.

If an employee wishes raises a grievance about the Town Clerk they should contact the Chair of the Grievance Committee in the first instance.

COMPLIANCE WITH ACAS CODE OF PRACTICE

This procedure follows the [ACAS Code of Practice on Disciplinary and Grievance Procedures](#) issued under section 199 of the Trade Union and Labour Relations (consolidation) Act 1992.

SCOPE OF POLICY

This policy applies to all staff who are employed at the Town Council including part-time and temporary employees, regardless of hours worked or length of service.

All new members of staff will be made aware of this policy and procedure, and how it operates as part of their induction.

GENERAL PRINCIPLES

- **Fairness** – This procedure sets out to treat all staff fairly, consistently, impartially, promptly, reasonably and will be applied without discrimination. Employees will be heard in good faith and there will be no pre-judgement of the issue.
- **Investigation** – No action will be taken until a case has been thoroughly investigated.
- **Representation** – The employee at all stages in this procedure has the right to be represented and accompanied by their trade union representative, full-time union official or work colleague.
- **Confidentiality** – All documentation and records relating to this procedure including notes of meetings will be treated as confidential, stored securely and only accessed by those individuals essential for dealing with the case. They will be kept no longer than necessary in accordance with the Town Council's Data Protection Policy. Any breach of confidence may be treated as a disciplinary case of misconduct.
- **Right to appeal** – At all formal stages of this policy the employee has the right to appeal. The appeals will be heard in an appeal meeting by senior managers who previously had no involvement with the case.
- **Recordings** – Audio/ visual recordings of the proceedings by the employee or their companion or by the Town Council are not acceptable at any stage of this procedure.
- **Equality and diversity** – This procedure will be applied without discrimination. If someone has an existing mental or physical health impairment which they have previously disclosed, the Town Council will make reasonable adjustments to the process as necessary.

RESPONSIBILITIES OF MANAGERS

Line managers should ensure that all employees are aware of this procedure and understand their own and the Town Council's responsibilities.

Line managers must respond promptly and within the timescales as required as part of this grievance procedure

Line managers will be given training on how to operate this procedure fairly, effectively and consistently and in line with all its general principles.

RESPONSIBILITIES OF EMPLOYEES

All staff should actively participate in this grievance procedure and co-operate with others in ways that help to resolve issues.

TRADE UNION INVOLVEMENT

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this procedure.

REVIEW AND MONITORING

The Town Council will ensure that all new employees, supervisors and managers will receive induction on the procedure.

Adequate resources will be made available to fulfil the aims of this procedure. The procedure will be widely promoted, and copies will be freely available and displayed in the Town Council's offices and on Vivup.

This procedure will be reviewed on a regular basis.

SEEKING AN INFORMAL RESOLUTION

If staff feel they have been treated unfairly, they should discuss this with their line-manager who will attempt to resolve the issue informally.

In some cases, this may also involve assistance such as mediation to facilitate a resolution. The Town Council will use mediation only where the employee and the other parties involved in their grievance, agree to do so.

Where the nature of the grievance makes it problematic for the employee to raise the issue with their line manager, staff will be allowed to seek an informal resolution by contacting the HR Team.

If the problem is serious in nature and an informal approach is not appropriate, or if informal attempts to resolve the issue do not work, an employee may raise a formal grievance under this procedure.

FORMAL GRIEVANCE PROCEDURE

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

SUBMISSION OF WRITTEN GRIEVANCE

The employee must detail in writing:

- what the grievance is about
- relevant facts, dates, names etc, including any evidence - for example a payslip or employment contract
- the outcome that they are seeking.

The grievance should be submitted to their line-manager. If the grievance concerns their line-manager then the grievance should be submitted to the HR Team who will allocate the hearing of the grievance to a more senior manager.

In the case of a collective grievance, the submission will state the names of all those staff who are joined in the grievance.

It is advisable for employees to seek advice and help from their trade union representative at this stage and to inform them of their intention to submit a written grievance.

INVITATION TO GRIEVANCE MEETING

Once the written grievance has been submitted, the manager to whom it is addressed will invite the employee to attend a meeting, normally within ten working days, to discuss the matter.

Without unavoidable delay, the employee should be given a notification letter:

- giving at least five working days' notice of the meeting date, time and venue

- explaining that the grievance meeting will be conducted under this procedure
- providing details of the composition of the panel who will hear the case
- stating the employee's right to be accompanied by a trade union representative, full-time union official or work colleague.

Where it is a collective grievance, all correspondence will be sent to the nominated employee representing the group and their trade union representative.

The composition of the meeting (henceforth known as the panel) will be adjusted according to the nature of the grievance and who it is directed against, but will normally consist of the relevant line-manager, a senior manager and a representative from the HR Team.

Whoever deals with the grievance at this stage, will be excluded from hearing the case at the appeal stage.

The Town Council will make provision for any reasonable adjustments to accommodate the needs of a disabled employee or their companion.

The names of any witnesses being called by the employee must be made available to the HR Team no later than two working days prior to the meeting. It is the responsibility of the employee to organise their own witnesses and inform HR of any access requirements needed.

All parties will provide to the HR Team any paperwork they wish to have considered at the meeting no later than two working days prior to the meeting.

ATTENDANCE AT THE GRIEVANCE MEETING

The employee should take all reasonable steps to attend the meeting on the date / time stated in the employer's letter. However, the meeting will be rescheduled to another time if their companion is not available at the chosen time. In these cases, the employee must propose another date within five working days of the original meeting date.

Where an employee fails to attend or remain throughout a scheduled meeting through circumstances beyond their control, the meeting or the continuation of the meeting should be arranged for another time (within five working days).

If the employee fails to attend a re-arranged meeting without a good reason, a decision will be taken in their absence based on the evidence provided.

GRIEVANCE MEETING PROCEDURE

The chair of the panel will invite the employee to re-state their grievance and how they would like to see it resolved. The employee may call witnesses and refer to any documents previously provided to the panel.

If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give their evidence and asked to leave once they have done so.

The panel may question the employee and any of the witnesses.

The employee will be given the opportunity to sum up but may not introduce any new material.

Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.

Any accompanying trade union representative, full-time union official or work colleague, will be allowed to address the meeting to put and sum up the case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting, if in accordance with the wishes of the employee.

The meeting may be adjourned by either the employee or by the panel, if it is considered necessary to gather further information or evidence or clarify any issue. The meeting will be reconvened as soon as possible.

The panel will hold any additional meetings as would, in their view, assist to resolve the grievance. Where more information is needed and an investigation is necessary, this will be carried out by an investigating officer who must be uninvolved in the case. Investigations will be conducted fairly and without delay. If there are unavoidable delays all parties will be kept informed.

The employee will be required to attend investigation meetings when requested to do so. The employee has the right to be accompanied at any investigatory interview by a trade union representative, full-time union official or work colleague.

The panel will then consider the details heard in private.

GRIEVANCE MEETING DECISION

The employee will be provided with written confirmation of the decision normally within five working days of the meeting. This will include notifying the employee of their right of appeal and the procedure to be followed. If appropriate, the decision will set out what action the Town Council intends to take to resolve the grievance or if the grievance is not upheld, will explain the reasons.

APPEALS PROCEDURE

Where an employee feels that their grievance has not been satisfactorily resolved they can appeal the decision.

The appeal should be made in writing to the Town Clerk within 10 working days of the written decision being received by the employee. The Town Clerk will allocate the hearing of the appeal to a senior manager or the Grievance Committee, depending upon who has been involved at an earlier stage.

The appeal should set out the reasons why the employee is not satisfied with the decision taken by the panel. Any documents submitted in support of the appeal must be attached.

Once the written appeal has been submitted, the manager will invite the employee to attend a meeting, normally within ten working days, to discuss the matter.

Without unavoidable delay, the employee should be given a notification letter:

- giving at least five working days' notice of the meeting date, time and venue
- explaining that the appeal meeting will be conducted under this procedure
- providing details of the composition of the appeal panel
- stating the employee's right to be accompanied by a trade union representative, full-time union official or work colleague.

The composition of the panel will be adjusted according to the nature of the grievance and who it is directed against, but will normally consist of at least two senior managers of the same level or higher than the managers who heard the original grievance, and a representative from HR. The appeal panel should not have previously any involvement in the case and no conflict of interest.

The Town Council will make provision for any reasonable adjustments to accommodate the needs of a disabled employee or their companion.

The names of any witnesses being called by the employee must be made available to the HR Team no later than two working days prior to the meeting. It is the responsibility of the employee to organise their own witnesses and inform HR of any access requirements needed.

The employee should take all reasonable steps to attend the appeal meeting on the date/time stated in the written notification. However, the meeting will be re-scheduled to another time convenient for the employee if the employee's companion is not available. The employee must propose an alternative date within five working days of the original date (this time limit may be extended only by mutual agreement).

The panel members will be provided with all the material presented at the original grievance meeting in order to review the original evidence and to review if the grievance was procedurally correct.

Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.

The meeting may be adjourned by either the employee or by the appeal panel, if it is considered necessary to gather further information or evidence or clarify any issue. The meeting will be reconvened as soon as possible.

The appeal panel will then consider the details heard in private.

APPEAL DECISION

The outcome of the appeal should be communicated to the employee in writing without unreasonable delay and normally within five working days.

The decision taken by the appeal panel will be final.

FURTHER INFORMATION

ACAS code of practice on disciplinary and grievance procedures

www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures

ACAS guide to discipline and grievance at work

www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work

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