

Cyngor Cymuned Pontyclun Community Council

Grievance procedure

Last review Sept 2019

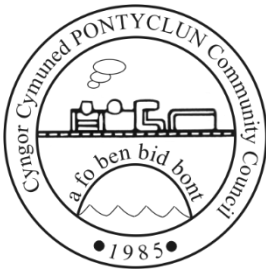


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Grievance Procedure

Adopted July 2017 reviewed Sept 2019

Principles

The Grievance Procedure applies to all employees of the Council - it exists to ensure that grievance problems at work are solved as quickly and as fairly as possible. It is intended that both the Council and its employees should view the use of this procedure in a constructive light.

Grievances are concerns, problems or complaints that employees raise with their employers.

Examples of issues that may cause grievances are detailed further on in this policy.

The aim of the Grievance Procedure is to settle grievances fairly and it is intended to operate simply and rapidly. Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made in order to avoid proceeding to the next stage and to settle the issue amicably.

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

If an employee has a problem with any other member of staff or a member of the Council, and is unable to sort it out informally, the matter should be referred to their immediate supervisor. You may be able to agree an informal solution between you. In some cases this may also involve assistance such as mediation.

If the problem is serious or remains unresolved or the employee wishes to raise the matter formally, the employee can invoke the formal grievance procedure.

At each stage of the procedure, there will be at least one meeting to discuss the grievance.

At each stage of the procedure an employee is entitled to be represented or accompanied by their union representative or by a work colleague of their choice.

The date and time of (any) grievance hearing(s) shall be agreed between the employee, their representative and the representative of the Council.

The employee and their representative will be allowed an adequate time to prepare the employee's case, within the time limits as set out below.

The procedure

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

In all cases and at all stages, the employee must detail in writing the specific circumstance or circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable.

Employees should stick to the facts and avoid insulting or abusive language.

The procedure has three stages as set out below. At each stage of the procedure formal records shall be kept, and the result of each stage shall be confirmed in writing. The employee is encouraged to keep their own records, and is entitled to record their disagreement as to the accuracy of the formal records or of the result.

At each stage of the Grievance Procedure the person or panel hearing the case shall undertake a full investigation and there shall be a hearing, to allow the employee to put their case and state how they would like to see it resolved.

The stages of the procedure are as follows:

- Stage I - Any grievance should first be raised in writing with the immediate supervisor who should attempt to settle it as soon as possible. They will invite the employee to attend a meeting, normally within **5 working days**, to discuss the matter.
- Stage II - If not resolved by the immediate supervisor within **ten working days**, the matter may be raised with the Council. The Chairman (with another two Councillors) will call a hearing to take place within **ten working days** of the matter being formally raised.
- Stage III – Appeal- If still unresolved, the matter may be referred, in writing, to the Chairman of the Appeals Committee, who will convene a meeting of the Appeals Committee. The Appeals Committee will hold a hearing as soon as possible, but not later than **fifteen working days** from the receipt of the formal notification from the employee.

Group Grievance

Where a group of employees has a collective grievance the procedure should start at Stage II above.

Informal meetings

The procedural steps detailed above will not preclude any informal meetings which may from time to time be considered mutually to be appropriate.

Time limits

The time limits expressed in this procedure will be regarded as the normal maximum time limits required. They may, however, be extended by mutual agreement.

Examples of possible reasons for a grievance

It is not the aim of this procedure to deal with reasonable and justifiable managerial decisions which an employee may disagree with. The list provided below is not exhaustive and there may be other examples of possible reasons for a grievance:

- unreasonable/unjustified refusal to grant annual leave;
- unreasonable/unjustified refusal to grant an approved absence;
- provision of conflicting, contradictory instructions/supervision;
- unjustified refusal to provide support/supervision when requested;
- persistent lack of support/supervision which affects the employee's ability to carry out their job;
- refusal to deal with, or inadequate resolution of work problems between colleagues;
- unwillingness or failure to deal with health & safety issues.

Grievance hearing – Stage I

Any grievance should first be raised in writing with the immediate supervisor who should attempt to settle it as soon as possible. They will invite the employee to attend a meeting, normally within **5 working days**, to discuss the matter.

The immediate supervisor will hold any additional meetings as would, in their view, resolve the grievance. The immediate supervisor may adjourn the meeting if it is necessary to investigate any new facts that arise.

If the grievance is against the immediate supervisor, the matter should be raised with the Chairman or Vice-Chairman of the Council as appropriate. In the case of the Clerk, the matter should be raised with the Vice-Chairman. Whoever deals with the grievance at this stage, will be excluded from hearing the case at any later stage.

Grievance hearing – Stage II

If the grievance is not resolved by the immediate supervisor within **ten working days**, the matter may be raised with the Council.

The grievance should be set out in writing, dated and sent to the Chairman.

The Chairman (with another two Councillors) will call a hearing to take place within **ten working days** of receiving the employee's written grievance.

1. The Chairman will introduce the meeting, read out the grounds of the employee's grievance, ask the

employee/representative if they are correct and require the employee/representative to provide clarification regarding details of the grievance if unclear.

2. The employee/representative will be given the opportunity to put forward their case and say how they would like to see it resolved. The employee/representative may call witnesses and refer to any documents previously provided to the Clerk or Chairman.
3. The Chairman and the Clerk or Vice Chairman may question the employee and any of the employee's witnesses.
4. The Chairman and the employee/representative may question the immediate supervisor who dealt with Stage I of the procedure.
5. The employee/representative will be given the opportunity to sum up but may not introduce any new material.
6. The Chairman will adjourn the hearing and give due consideration to the case. They may need to seek technical and professional advice and information from internal and external sources as appropriate. The Chairman may adjourn the hearing for up to **fifteen working days**.
7. The hearing may be adjourned by the Chairman if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.
8. Having considered the case, the Chairman will give their decision regarding the case and confirm this in writing to the employee within **five working days**. They will also inform the employee of their right of appeal, which must be made to the Chairman of the Appeals Committee within **ten working days** of receipt of the written decision.

Appeal Hearing – Stage III

If after Stage II the matter is still unresolved, it may be referred, in writing, to the Chairman of the Appeals Committee, who will convene a meeting of the Appeals Committee.

The Appeals Committee will hold a hearing as soon as possible, but not later than **fifteen working days** from the receipt of the formal notification from the employee.

1. The Chairman of the Appeals Committee will introduce the meeting, read out the grounds of the employee's appeal, ask the employee if they are correct and require the employee to provide clarification if any of the grounds of appeal are unclear.
2. The employee will be given the opportunity to put forward their case, explain why they are not satisfied with the outcome at **Stage II**. The employee may call witnesses and refer to the Chairman's written decision and any other documents circulated to the Chairman prior to the appeal hearing.
3. Members of the Appeals Committee may question the employee and any of the employee's witnesses.

4. Members of the Appeals Committee and the employee may question the Chairman who dealt with Stage II of the procedure.
5. The employee will be given the opportunity to sum up but may not introduce any new material.
6. The Chairman of the Appeals Committee will adjourn the hearing and the Panel will give due consideration to the case. It will be acceptable for the Chairman of the Appeals Committee, on behalf of the Panel, to seek technical and professional advice and information from internal and external sources as appropriate (e.g. advice and information on employment law or The Council's personnel policies and procedures, etc.). The Chairman of the Appeals Committee may adjourn the hearing for up to **fifteen working days**.
7. The hearing may be adjourned by the Chairman of the Appeals Committee if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.
8. Once the Appeals Committee has reached a decision, the Chairman of the Appeals Committee will recall the employee, give the Appeals Committee's decision and confirm this in writing within **ten working days**.

The decision of the Appeals Committee will be Final.

Records

Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential and retained in accordance with the General Data Protection Regulations (2018) which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.