

# Cyngor Tref Llandeilo Fawr Town Council

## **GRIEVANCE PROCEDURE 2014.**

### **INTRODUCTION**

This procedure applies to all employees of Llandeilo Town Council. All employee grievance matters will be dealt with by the Council's Staffing –Disciplinary and Grievance Committee (see 5.3).

The objectives of the procedure are: -

- To foster good relationships between the Council and its employees by discouraging the harbouring of grievances;
- To settle grievances as near as possible to their point of origin;
- To ensure the Council treats grievances seriously and resolves them as quickly as possible; and
- To ensure that employees are treated fairly and consistently throughout the Council.

Matters excluded from this procedure are as follows: -

- Appeals against salary or gradings;
- Appeals against disciplinary actions;
- Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- Rules of pension schemes; and
- A grievance about a matter over which the Council has no control.

### **INFORMAL GRIEVANCE PROCEDURE ( STAGE 1)**

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Clerk ( the Line Manager) with a view to resolving the matter informally if appropriate. He or she will have a reply normally within 5 working days and a meeting will be convened. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below.

## **FORMAL GRIEVANCE PROCEDURE ( STAGE 2)**

### **STANDARD COUNCIL GRIEVANCE PROCEDURE**

1. The employee must set out his/her grievance in writing (“Statement of Grievance”) and provide a copy to the Clerk to bring to the attention of the Staff Disciplinary and Grievance Committee.
2. Once the Grievance Committee has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter.
  - (i) The employee must take all reasonable steps to attend the meeting.
  - (ii) Grievance meetings will normally be convened with 14 days of the Grievance Committee receiving the Statement of Grievance.
  - (iii) The employee has the right to be accompanied to a grievance meeting by a fellow employee, a lay person or by a Trade Union representative.
  - (iv) If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.
3. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Grievance Committee time to consider the decision.
4. After the meeting the employee will be informed of the Grievance Committee’s decision within 5 working days. [The meeting may be reconvened for this purpose]. The Grievance Committee’s decision will be confirmed to the employee in writing.

### **APPEALS AGAINST THE DECISION ( STAGE 3)**

1. If the employee wishes to appeal against the Committee’s decision he or she must inform the Clerk to advise the Committee within 5 working days of receiving the decision.
2. If employee notifies the Committee that he or she wishes to appeal, the employee will be invited to attend a grievance appeal meeting before the Council’s Appeals Committee. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee, a lay person or by a Trade Union representative.
3. A grievance appeal meeting will normally be convened within 7 working days of the Appeals Committee receiving notice that the employee wishes to appeal. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.
4. After the grievance appeal meeting the employee will be informed of the Appeal Committee’s final decision within 5 working days. [The meeting may be reconvened for this purpose]. The Appeals Committee’s decision will be confirmed to the employee in writing.

## **MODIFIED COUNCIL GRIEVANCE PROCEDURE (FOR FORMER EMPLOYEES)**

1. If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing to the Clerk and provide a copy to the Chairperson of the Council's Staff Grievance Committee.
2. Following receipt of a statement of grievance pursuant to the above, the Committee will either write to the ex-employee inviting him or her to attend a meeting to discuss the grievance, or to ask for the ex-employee's agreement to the Grievance Committee responding to the grievance in writing.
3. If the ex-employee does not agree to the matter being dealt with by correspondence within 7 working days of the Committee writing to them pursuant to point 2 above steps 1 to 4 of the standard Council grievance procedure will be followed. The meeting will be conducted by the Council's Grievance Committee.
4. If the ex-employee does agree to the matter being dealt with by correspondence, the Council's Grievance Committee will consider his or her grievance and will respond to the ex-employee in writing within 14 days of the receipt of such confirmation setting out the basis for the Committee's decision.

## **GENERAL PROCEDURAL INFORMATION**

- Grievances raised under the standard Council grievance procedure will normally be investigated, and any meetings to discuss the grievance convened by the Clerk.
- If an employee's grievance is about the Clerk they should raise the matter with the Chairman of the Council's Grievance Committee. All investigations and any grievance meeting will be conducted by the said Grievance Committee and any grievance appeal meeting will be conducted by 3 members of the Council's Appeals Committee who do not sit on the Grievance Committee.
- Where a grievance is raised by the Clerk to the Council the grievance will be made to the Chair of the Council's Grievance Committee. The grievance procedure will be conducted by the said Committee as laid out under STAGE 2. Any grievance appeal meeting will be conducted by 3 members of the Council's Appeals Committee who do not sit on the Grievance Committee.
- A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's/ex-employees personnel file, together with any notes or evidence taken or compiled during the course of the procedure.
- If a grievance is raised by a Councillor against one or more other Councillors then there are options open to the complainee .
- The complainee may report the grievance directly to the Public Services Ombudsman,
- Or report the grievance to the Clerk in the first instance. The Clerk will arrange an informal meeting between the complainee, the Mayor, the Chair of the Grievance Committee and the Clerk . A decision will then be made whether to refer the matter to the Ombudsman directly or seek guidance from the Monitoring Officer.

In the case of low level complaints i.e. a failure to show respect and consideration for others as required by para. 4(b) of the Code of Conduct; or the duty not to make vexatious, malicious or frivolous complaints against other members under para. 6(1)(d), the complainee may request that the issue be referred and resolved by the Mayor, in conjunction with the Chair of the Grievance Committee ( if appropriate) and the Clerk.

#### APROPRIATE SANCTIONS

Where a complaint is upheld appropriate sanctions may include,

- i) requirement for the member in breach to provide an apology.
- ii) requirement for the member in breach to undergo appropriate Code of Conduct training.

If the member in breach does not accept the resolution then the matter will be referred directly to the Public Services Ombudsman