

Grievance Policy

1. Introduction

- 1.1 Diss Town Council is committed to promoting and maintaining a safe, positive, and inclusive working environment. Expected standards of behaviour are outlined across numerous Council documents.
- 1.2 The Council recognises that differences and disagreements do arise in the workplace and this policy and procedure sets out the Council's approach to resolving concerns which inevitably arise from time to time.
- 1.3 The ability to discuss issues openly and respectfully is essential to the well-being of our people and the success of the Council.
- 1.4 Wherever possible the informal resolution of differences is preferable, but it is recognised that this is not always possible or appropriate. A formal process is sometimes required to enable all parties to work together to find a mutually acceptable resolution. The formal policy and procedure hence exist to support colleagues in both raising and responding to grievances.
- 1.5 The aim of the process, whether informal or formal is to enable staff to raise concerns without fear of reprisal, to have them respectfully listened to and seriously considered and to seek agreement on the best way forward to resolve the concern being raised.
- 1.6 The Council believes that grievances should focus on perceived issues and behaviours, as well as practices, policies, and procedures and not the person or people concerned.
- 1.7 A formal grievance may be withdrawn at any stage of the process. However, the Council may decide to continue to investigate and deal with any issues raised, for example if matters of potential misconduct have been identified.
- 1.8 The Council reserves the right to seek assistance from external facilitators at any stage in the grievance procedure, in the interest of seeking a satisfactory outcome for all concerned.

2 Grievance Procedure

- 2.1 Where possible, grievances should be resolved informally however it is accepted that this may not be possible or appropriate in all circumstances. Normally an employee will raise any issues with their direct line manager when they arise and in most cases it should be possible to resolve these issues locally at the time.
- 2.2 Staff should be encouraged to raise any issues at an early stage as this gives the opportunity to resolve them before they worsen and have an impact on the individual or staff morale. Dealing with issues informally or using mediation is more likely to result in a positive outcome, as once individuals are in a formal process there is a greater tendency for the situation to become more adversarial and for positions to become more entrenched.

- 2.3 If an informal approach is not appropriate or does not result in satisfactory resolution or if the matter is too serious to be dealt with informally, colleagues may raise a formal grievance. This should be done in writing as soon as possible. The written grievance should clearly set out the issue or behaviour giving rise to the concern and the resolution being sought, it should be as succinct as possible whilst clearly stating the issues to be addressed. Grievances should be addressed to both the Council Leader and the Chair of the Executive Committee.

STAGE 1

3. Receipt of a Grievance

- 3.1 Upon receipt of a written Grievance the Council Leader and the Chair of the Executive Committee will acknowledge receipt of the grievance, indicating the support available to the employee. If, having discussed the matter both believe there may be a way to promptly resolve the grievance informally they may contact the Employee and seek to do so. However, this should not be allowed to unnecessarily delay the process or deny the Employees option to utilise this procedure if they are not satisfied.

4. Grievance Panel Formation

- 4.1 A Grievance Panel will be formed to include Council Leader, Chair of the Executive Committee and two other members of the Executive Committee.
- 4.2 The Panel will also inform the person identified as responsible for the concern (The Respondent) that a grievance has been received and inform them of the support available to them and that the Panel will contact them at the proper time.
- 4.3 The Panel will write to the Employee inviting them to attend a meeting to discuss their grievance. This would normally be within 10 working days of the formal grievance being submitted. At the meeting, the Employee may be accompanied by a trade union representative or a work colleague. Their role is to support the Employee, to help them prepare for the meeting and to assist in explaining the concern and the resolution being sought. In cases of bullying, harassment or discrimination colleagues may be accompanied at meetings by another appropriate support contact (e.g., emotional support) by prior agreement of the Panel. Any employee who is chosen to accompany another in a grievance hearing is entitled to take paid time off for this purpose. The employee must make every effort to attend the grievance meeting.

5. Initial Grievance Meeting

- 5.1 The meeting allows the Employee to explain the background to their grievance and the resolution they are seeking. It is also for the Panel to ensure they understand the issues and to mutually explore potential options for resolution. The Panel should also seek to understand who else they may need to speak to prior to reaching a recommendation.
- 5.2 A summary note, recording the key points, will be taken of the meeting, and shared with the Employee. The Employee may comment on the notes to ensure they are accurate. If they wish to add additional information not raised at the meeting they may do so, but these should be clearly noted as an insert. Any such amendments should be completed promptly and returned no later than five days of receipt of the draft notes.

5.3 If the Employee or their trade union representative is unable to attend the initial Grievance meeting, steps will be taken to rearrange this as soon as possible. However, if the Employee is persistently unable or unwilling to attend a meeting, the Panel will investigate and reach an outcome on the basis of the information available to them. A decision to proceed in this way will be communicated in writing to the Employee.

6. Investigating The Grievance

6.1 The Panel will then conduct any further investigation required. This may involve reviewing relevant policies or documents provided by the Employee. It is likely that they will also need to speak with other colleagues including any named Respondent(s). A Respondent and any witnesses should be invited to formal investigation meetings. Information provided to witnesses should be kept to the minimum required to ensure they are able to provide the information being sought by the Panel.

6.2 It is important that all those involved in the matter feel supported and able to engage in the process of seeking a mutually acceptable resolution. As indicated above (section 4.2) any named Respondent(s) should be informed as soon as possible that a grievance has been raised and the basis for this. Any letter inviting them to an investigation meeting must also clearly set out the grounds for the grievance, the issues to be discussed and, where possible, the resolution being sought by the Employee. A Respondent may be accompanied by a trade union representative or work colleague.

6.3 The Panel may decide it is necessary to meet with the Employee raising the grievance again prior to making a decision. This could be to seek additional information or to give the Employee an opportunity to respond if a Respondent or witnesses have provided contrary information.

6.4 This investigation stage should be concluded as quickly as possible and normally within 10 to 15 working days of the initial meeting with the Employee. If longer is required, the Panel should ensure they communicate with the Employee and set out a time scale and the Employee and other key parties should be kept informed of progress.

7. Grievance Outcome

7.1 Once they have reached a conclusion the Panel will prepare a formal response in writing to the Employee. This will set out the issues under consideration, the steps they have taken to investigate and assess them, their conclusions, and the resolution they are recommending. In more complex cases it may be appropriate for the Panel to produce a formal investigation report which would be appended to the outcome letter. It may be appropriate for the Panel to arrange a follow up meeting with the Employee who raised the grievance at this point to discuss the outcome, with a particular focus on any recommendations and/or further action required to support a resolution.

7.2 The Respondent(s) should also be informed of the outcome, and it may be appropriate for the Panel to meet with the Respondent(s) and/or their line manager to support the implementation of any recommendations.

7.3 The Panel should, in conjunction with any relevant line managers, also consider any other actions or factors aligned to any recommendations made which may require attention following the conclusion of the process. This may include focusing on any

ongoing relationships or involving others to support the reintegration of the relevant parties.

- 7.4 The Council Leader and the Chair of the Executive Committee who received the original grievance maintain overall responsibility for ensuring any appropriate follow up actions or recommendations are implemented with a suitable timeframe, including mediation following a formal grievance process where it may be used to help rebuild relationships.

STAGE 2

8. Lodging An Appeal

- 8.1 If an employee wishes to appeal the outcome of a Stage 1 grievance outcome they should submit an appeal in writing outlining their full grounds for appeal to the Council Leader and the Chair of the Executive Committee within 5 working days of receipt of the Grievance outcome. Employees will be notified that their appeal has been received within 5 working days. The Respondent(s) will also be informed that an appeal has been received and may be advised of the appeal grounds and context.
- 8.2 The appeal stage is not intended to be a rehearing of the original case. Hence the grounds for appeal should typically fall within one of the following:
- Procedural error
 - The outcome and recommendations are unreasonable and significantly out of line with the issues considered
 - New information is now available which could not have been provided when the original outcome was communicated
- 8.3 Where the appeal relates to new evidence there should be a clear statement provided outlining the reason this was not available for consideration at the previous stage.

9. The Appeal Meeting

- 9.1 The Council will invite the employee in writing to attend an appeal hearing, normally within 10 working days of receipt of an appeal. The employee may be accompanied by a Trade Union representative or work colleague. In cases of bullying, harassment or discrimination colleagues may be accompanied at meetings by another appropriate support contact (e.g., emotional support) by prior agreement of the Appeals Panel.
- 9.2 The Appeals Managers will hear appeals; The Mayor and the Vice-Chair of the Executive Committee who will consider the original outcome with an open mind. For more complex grievance appeals the Council may also decide to appoint a panel of three (to add a member of the Executive Committee with no previous involvement with the original grievance to the panel)
- 9.3 The appeal meeting allows the employee to explain why they think the outcome from the initial grievance was incorrect or failed to resolve the grievance. The Appeal Managers will ask questions to ensure they understand the grounds for the appeal and any new information being presented along with the resolution being sought. A summary note, recording the key points, will be taken of the meeting, and shared with the employee. The employee may comment on the accuracy of the note.

9.4 The Appeal Managers will adjourn the meeting to consider the information and conduct any additional investigations they feel necessary. This is likely to involve meeting with the original Panel and potentially the Respondent(s) but only where this is felt necessary to reach a conclusion.

9.5 If the employee or their Trade Union representative is unable to attend the appeal meeting, steps will be taken to rearrange this as soon as possible. However, if the employee is persistently unable or unwilling to attend a meeting, the Appeal Managers will review the available materials and reach an outcome based on the information available to them. A decision to proceed in this way will be communicated in writing to the employee in advance.

10. The Appeal Outcome

10.1 Once the Appeal Managers have considered all the points raised, they will provide a response to the employee. This will normally be within 15 days of the appeal meeting and the employee will typically be invited to a further meeting to hear the outcome. The outcome of the appeal and any additional recommended actions] will be confirmed to the employee in writing and communicated formally to the Respondent(s).

10.2 The decision of the Appeal Managers is final and there is no further right of appeal.

11. OVERLAP WITH OTHER PROCEDURES

11.1 It is possible, depending on the circumstances of a Grievance, that consideration be given at different points to moving into the Council's Disciplinary process if this is deemed appropriate.

11.2 The Panel may identify at the very start of a process that the matter, if found, would be a serious matter of misconduct. In such cases a decision may be taken to formally investigate the matter under the disciplinary procedure from the start.

11.3 Alternatively, such a decision may be taken at a later point, for example following the initial meeting with the individual raising the grievance or at the outcome stage. In such cases the individual would be informed of this however would not be informed of the outcome of any such Disciplinary Investigation and/or hearing.

11.4 Where a Panel recommends that consideration be given to the matter under the disciplinary procedure, they should ensure that the allegation of misconduct is clearly identified but not seek to propose a conclusion or outcome ahead of further independent consideration under the disciplinary process.

11.5 It is important, given the above, that the investigation process is carried out in a way that should the matter subsequently need to be considered under the Disciplinary Procedures, it meets the key principles set out above. In any case, any potential for a subsequent move to the Disciplinary Procedure must be made clear to the Respondent when they are interviewed as part of the grievance investigation, and they must then have the opportunity to respond fully and be accompanied accordingly.