

# Grievance and Performance Policy

May 2025 reviewed

Next review May 2026

## 1. Purpose and Scope

**It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have.** We believe that clear, open, and fair procedures for the resolution of problems are necessary both for the success of the council and for the fair treatment of all our team.

Grievances may be any concerns, problems or complaints employees wish to raise with the Council. Any grievance or complaint can be discussed informally, or through the formal grievance procedure. This section describes the procedure which aims to facilitate a speedy, fair, and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

## 2. Principles

- (a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- (b) Grievances will be dealt with promptly and consistently.
- (c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the grievance hearing.
- (d) An employee will have the right to appeal against any outcome of a grievance hearing.
- (e) At no time will an employee be penalised or victimised for having raised a grievance against the Council.

## 3. Procedures

### 3.1 Grievance and Disciplinary Procedures

3.1.1 Wherever possible, any grievance should be raised informally and promptly with the employee's line manager, or if this is inappropriate with the next level of management. In the case of the Town Clerk raising a grievance, this should be directed to the Mayor of the Council unless the complaint is about the Mayor, in which case another Member can be identified to handle the Clerk's concerns. The recipient of the grievance from a Clerk should share the grievance with the relevant committee established to handle employment matters and the issues should always be treated with discretion and confidentiality.

#### 3.1.2 Written statement

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management, giving as full an account of the situation as possible, together with any relevant documents.

### **3.1.3 Meeting or hearing**

Generally, within a reasonable period, e.g. five working days of receipt of a written complaint, the line manager or Chair of the appropriately convened committee or Hearing Panel will arrange a meeting with the employee and ask how they think it can be resolved. The Hearing Manager will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider necessary to resolve the issue raised.

### **3.1.4 Investigation**

It may be necessary to adjourn the meeting for an investigation to take place. Everyone is required to co-operate fully with the investigation relating to disciplinary or grievance procedures. The Town Clerk will normally investigate a complaint or may for some incidences use an outside consultant to ensure impartiality.

### **3.1.5 Suspension**

The Council may suspend an employee who is the subject of a grievance or disciplinary procedure on full basic pay. Suspension is not a disciplinary penalty and carries no implication of guilt. Whilst on suspension the employee must be available for work or meetings as required during normal working hours.

### **3.1.6 Hearing**

Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross-examine the aggrieved during a grievance hearing, but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Panel may ask the employee what he or she would like to happen because of raising the grievance and bear this in mind when preparing the response.

### **3.1.7 Response**

The Hearing Manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem.

### **3.1.8 Appeal**

If the employee is dissatisfied with the decision of the line manager on his/her complaint, s/he may appeal against the decision to the Mayor or other elected Member by written notice within five working days of receiving the decision. An appeal may be raised if:

- the employee thinks the finding, or action plan, is unfair
- new evidence has come to light
- the employee thinks that the procedure was not applied properly

On receipt of the appeal the Council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned, and any other persons as s/he shall consider appropriate without unreasonable delay. The Appeal Hearing Chair shall consider the issues and shall then take all such steps as s/he may consider necessary to resolve those issues. Where the Council's Mayor has chaired the initial grievance meeting, the Deputy Mayor will hear the appeal as a hearing manager. The decision of the Appeal Hearing will be final. The Council will need to ensure that the Members involved in the hearings will always act impartially and reasonably.

The outcome of the appeal should be conveyed to the employee in writing in a timely manner. The decision of the individual hearing the appeal is final.

## **3.2 Bullying or harassment Procedures**

If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's line manager, or another manager/Member if more appropriate, with an indication of the required action. The Council encourages an environment in which everyone is entitled to work without harassment, victimisation, and bullying. Harassment may be described broadly as "unwanted conduct affecting the dignity of men and women". Where a particular form of conduct has the effect of making a person feel humiliated, threatened or that their privacy is being invaded, then that conduct will constitute harassment and should cease immediately.

The Council will not condone harassment and the procedure for dealing with complaints is set out below. The policy applies to employee's conduct in, or out of office hours or at work events. All employees have a responsibility for complying with this policy and treating all colleagues with dignity and respect. If an employee believes that they have been subject to, or witnessed harassment, victimisation, or bullying, they must inform the Town Clerk so that the Council can keep its workplace free from unacceptable behaviour.

### **3.2.1 Informal approach**

If an employee believes that they are being subjected to any harassment then, in the first instance they should ask the offender to stop or make it clear that such attention is unwelcome. If necessary, the employee should ask a friend or colleague to help them do this. Such an informal approach may be all that is needed, but the employee should make a note of the details and keep them.

### **3.2.2 Formal Complaint**

If the request is ignored and the harassment continues, or the employee feels unable to make the informal approach, they should contact the Town Clerk immediately. Details will be taken and should be confirmed in writing by the victim, this constitutes a formal complaint.

### **3.2.3 Investigation**

Either the Town Clerk, or an independent consultant, will investigate the complaint. Allegations will be dealt with seriously and there will be no victimisation of any employee making or being involved in a complaint.

### **3.2.4 Suspension**

In cases of serious alleged harassment, any employee directly involved may be suspended on full pay pending investigation.

### **3.2.5 Response**

The complaint will then be investigated, and any action taken, and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed. The decision at this stage will generally conclude the enquiry. If a further appeal or review is available, the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or, in the case of alleged perpetrators being elected Members, a Code of Conduct complaint should be lodged by the Council.

It is hoped that the implementation of this policy will ensure that all employees work in an atmosphere of mutual trust, dignity, and respect.

### **3.3 Right to be accompanied**

At any formal stage of the procedures the employee who is the subject of a grievance or disciplinary procedure can be accompanied at any hearing by:

- A work colleague;
- A full time official employed by a trade union; or a lay official, so long as they have been certified in writing by their union as having received training in acting as a worker's companion at disciplinary and grievance hearings.

However, as this is an internal procedure, they will not be entitled to be accompanied by any external supporter, e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, explain and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in adjournment), but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.

If the representative cannot attend on the date set for the interview, the Council will always postpone the interview for up to five days or at their discretion longer.

### **3.4 Confidentiality**

So far as is reasonably practicable, the Council will keep any grievance, disciplinary or complaint of harassment confidential between the manager or Member investigating the grievance or complaint, the employee, and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### **3.5 Record keeping**

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

### **3.6 Grievances raised during disciplinarys**

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. In such a case the Council will place disciplinary matters on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it may be pragmatic to deal with the two disputes concurrently, but the Council would seek specialist advice should this arise.

### **3.7 Monitoring Performance**

The Council monitors performance formally and informally through regular discussions that the employee's line manager will have with the employee about their job, at the end of projects and through the appraisal process.

### **3.7.1 Dealing with Poor Performance**

The success of the Council depends on all employees working together to achieve the best possible standards of performance. The Council aims to provide support and training to enable all employees to fulfil their potential and deal with any changes that the Council may require. However, sometimes people perform below the standard that the job requires, although they are not doing anything deliberately wrong. In these cases, the Council believes that it is best to deal with these problems openly and fairly and to provide clarity and practical support to improve performance.

Initially the employee's line manager will discuss any concerns about performance informally with the employee. Often raising issues promptly helps to solve them by identifying acceptable standards and any support that may be needed.

If the employee's performance continues to fall short of that required, their line manager will arrange a formal meeting to discuss this. The employee will have the right to be accompanied by a work colleague or a trade union representative. At this meeting the employee's line manager will explain specific areas of performance that aren't acceptable, and the employee will have the chance to give reasons for this. A plan will be agreed between the employee and the Town Clerk covering ways in which the employee can be supported to achieve acceptable standards, a date for review and a clear indication of what will happen if there is no improvement e.g. dismissal. The timescale for improvement, with formal reviews, will vary depending on the nature of the problem and the role that the employee has within the Council.

At the final review overall performance will be assessed and, in most cases, this will be the end of the matter, as performance will have improved as agreed. If sufficient improvements have not been made, consideration should be given to whether the employee should be transferred to another role better suited to your skills set, or as a last result, dismissed.

### **3.7.2 Appeal Procedure**

If an employee is dismissed because they are not capable of performing their job to an acceptable standard, they have the right of appeal against the decision. The appeal should be in writing and sent to the Town Clerk within five working days of the decision and state the reasons for the appeal. The decision from the appeal hearing will be final.