

# ANDOVER TOWN COUNCIL

## GRIEVANCE POLICY

This Policy was adopted by the Council at its meeting held on 5 September 2013.

### **1.0 Purpose and Scope**

- 1.1 There may be a time when a problem arises that concerns an employee and he/she feels it is a matter that Andover Town Council should help to resolve. The purpose of the grievance policy is to ensure that, in such circumstances, the employee has the opportunity to discuss the problem and find a mutually agreeable solution. If such a problem arises, Andover Town Council aims to ensure that it is resolved fairly and promptly.

### **2.0 Standard Grievance Procedure**

- 2.1 Employees are encouraged to raise any concerns which they may have about any aspect of his/her work with his/her line manager, informally in the first instance. Mediation by an external body may also be utilised in an effort to informally resolve grievances. If the matter remains unresolved, the employee has the right to take action through the grievance procedure.
- 2.2 Andover Town Council aims to resolve problems as near as possible to their point of origin. However, should this fail to produce a result which the employee is satisfied with, the grievance procedure allows the employee to take his/her case to a higher level.
- 2.3 No formal action will be taken until the grievance has been thoroughly investigated.
- 2.4 An employee will be given reasonable notice (between one and three working days) to attend a grievance hearing. The meeting may be held sooner if acceptable to all parties. If the employee and his/her chosen companion are unable to attend at the time suggested, the employee should inform the manager as soon as possible before the time set for the grievance hearing. Alternative dates and times suggested must be provided within five days of the original grievance hearing.

### **3.0 There are two stages of the procedure:**

#### **3.1 Stage 1 - Grievance**

- 3.2 The matter should be set out in writing and addressed in the first instance to the employee's manager. If this is not appropriate because the grievance involves the employee's manager then the grievance should be raised with Chairman of the Staffing Subcommittee or the Chairman of the Town Council. Grievances against the Town Clerk will be heard by a panel of 3 Andover Town councillors. Andover Town Council may also appoint someone to attend and minute the meeting. The employee must make it clear that the matter is being raised as the first step in the grievance procedure. The employee will be invited in writing to attend a meeting to discuss the grievance and must take all reasonable steps to attend the meeting.
- 3.3 At the grievance meeting the employee has the right to be accompanied by a companion. The companion may be either a trade union representative or an Andover Town Council

employee of his or her choice. If the employee wishes to exercise his or her right to be accompanied, he or she should inform their manager as soon as practicable of the identity of his or her companion. The companion can address the meeting to put and sum up the employee's case, respond on behalf of the employee and to confer with the employee during the meeting, but will not be permitted to answer questions on the employee's behalf.

3.4 The employee must take all reasonable steps to attend the grievance meeting. Where an employee (and/or his or her companion) cannot attend the grievance meeting, they should inform the person conducting the meeting as soon as practicable. If the employee (and/or his or her companion) fails to attend for a reason which was unforeseeable at the time the grievance meeting was arranged, another meeting will be arranged. If the employee fails to attend the rearranged meeting without good reason, a decision may be taken in his or her absence.

3.5 Following the meeting, the employee will be notified of the decision in writing and his/her right of appeal.

### **3.6 Stage 2- Appeal**

3.7 At each stage of the procedure the employee has the right of appeal. If an employee wishes to appeal, they should do so to the person they have been notified to appeal to, in writing, within five working days of the date on which the employee received notification of the grievance decision, setting out the grounds of his or her appeal. In exceptional circumstances, Andover Town Council may agree to extend this time limit to allow the employee an opportunity to consider the decision and/or his or her grounds for appeal.

3.8 Andover Town Council will then arrange for an appeal meeting to take place. The appeal will be heard by an appeals panel made up of three members of the Andover Town Council and who, where possible, have not previously been materially involved in the detail of the case. Andover Town Council may also appoint someone to attend and minute the meeting. The appeal meeting will take place at a time and location that is reasonable for both the Andover Town Council and the employee. At the appeal meeting, the employee will have an opportunity to comment on any new evidence arising during the appeal before any decision is taken.

3.9 At the appeal meeting the employee has the right to be accompanied by a companion. The companion may be either a trade union representative or an Andover Town Council employee of his or her choice. If the employee wishes to exercise his or her right to be accompanied, he or she should inform Andover Town Council as soon as practicable of the identity of his or her companion. The companion can address the meeting to put and sum up the employee's case, respond on behalf of the employee and to confer with the employee during the meeting, but will not be permitted to answer questions on the employee's behalf.

3.10 The employee must take all reasonable steps to attend the appeal meeting. Where an employee (and/or his or her companion) cannot attend the appeal meeting, they should inform the person conducting the meeting as soon as practicable. If the employee (and/or his or her companion) fails to attend for a reason which was unforeseeable at the time the appeal meeting was arranged, another meeting will be arranged. If the employee fails to

attend the rearranged meeting without good reason, a decision may be taken in his or her absence.

3.11 In some cases, the manager hearing the appeal may choose to have a rehearing of all the evidence at the appeal. There is no further appeal from this rehearing.

3.12 If the appeal is upheld Andover Town Council will withdraw or alter the outcome letter from the grievance meeting. The manager hearing the appeal will write to the employee giving the reasons for the appeal being upheld. Copies will be given to the employee and placed on the employee's personnel file.

3.13 If the appeal is not upheld, then the decision issued at the grievance meeting will stand.

3.14 The decision of the panel hearing the appeal will be final.

#### **4.0 Post-Employment Grievance Procedure**

4.1 A grievance may also be brought by an employee after termination of employment and this would normally be within three months of leaving employment.

4.2 A modified grievance procedure is available to ex-employees and only where:

4.3 Andover Town Council was unaware of the grievance prior to the employment ending or was aware but Andover Town Council grievance procedure was not initiated or had not been completed by that time; and

4.4 Both parties have agreed in writing that the modified grievance procedure will apply.

4.5 The modified grievance procedure differs from the normal grievance procedure as it does not involve any meetings to discuss the issues. Andover Town Council's decision will be final and there is no further right of appeal against Andover Town Council.

4.6 Stage 1 - Writing

4.7 The ex-employee must set down in writing the nature of their grievance and send this to the person conducting the investigation.

4.8 Stage 2- Response

4.9 Andover Town Council will respond to the ex-employee in writing. This decision will be final and there is no right of appeal.

#### **5.0 Vexatious Complaints**

5.1 Should it be evident that an employee has presented a vexatious or frivolous complaint, this will be investigated in accordance with Andover Town Council's Disciplinary Policy.