



MORECAMBE TOWN COUNCIL

GRIEVANCE & DISPUTES PROCEDURE

*Adopted by Council on
15th September, 2011 Minute No. 54*

Morecambe Town Council
Town Hall
Morecambe
LA4 5AF

www.morecambe.gov.uk
clerk@morecambe.gov.uk

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GRIEVANCE AND DISPUTES PROCEDURE

1. INTRODUCTION

- 1.1 This procedure provides the opportunity for any individual employee who has a grievance in relation to his/her employment with the Council to have the grievance considered by appropriate levels of line management and, if it is not resolved, by the Personnel Committee of the Council.

2. SCOPE

- 2.1 This procedure applies to all employees of the Council.

- 2.2 This procedure excludes matters relating to:

- a) Appeals of staff against salary or wage grades;
 - b) Discipline;
 - c) Termination of employment by the Council;
 - d) National conditions of service;
 - e) A statutory requirement;
 - f) A collective agreement;
 - g) Council Policy;
 - h) A grievance dealt with within this procedure within the last 12 months where there has been no change in circumstances.
 - i) A grievance submitted but not resolved prior to an employee leaving or after an employee has left the service of the Council.
- } other than the exercise and interpretation of these matters

- 2.3 Where a grievance is upheld any decision will be retrospective to the date on which the original grievance was formally lodged.

3. THE INFORMAL GRIEVANCE PROCEDURE

- 3.1 Employees are strongly encouraged to discuss any potential grievance that they may have on an individual, informal basis with his/her immediate line manager, without the need to be accompanied, as soon as the issue arises.

It is expected that employees will raise any grievance or potential grievance informally with his/her line manager before proceeding to the formal procedure.

- 3.2 The Line Manager considering the grievance is required to respond within two working days of the discussion and their response may be given verbally. The manager should make a record of their response and any action that is agreed.

- 3.3 If the employee remains aggrieved, then they may pursue the grievance by invoking the formal grievance procedure.

4. THE FORMAL GRIEVANCE PROCEDURE

4.1 Stage 1

Any employee who has a grievance should first raise it formally, in writing, with his/her immediate line manager either personally or with/through their representative. The manager should reply in writing as soon as possible and, in any case, normally within a period of ten working days of the grievance being formally raised.

If, however, the employee's immediate line manager is absent/inaccessible or they are the subject of the grievance and, for this reason, the employee does not wish the grievance to be heard by his/her line manager, the employee shall have the right to have the grievance heard in the first instance by the next level of management. In the case of the Town Clerk this would be the Personnel Committee.

4.2 Stage 2

If the employee feels that the grievance has not been satisfactorily resolved by his/her immediate line manager considering and responding to the grievance at Stage 1 of this procedure, they may take up the matter with the Chairman of the Council, or in the case of the Town Clerk through the Personnel Committee.

The employee must do this within five working days of receipt of the decision reached at Stage 1 and it should be in the form of a written statement of formal grievance. The Chairman will normally acknowledge receipt of the statement within three working days and will call a meeting of the interested parties (employee and the person accompanying them – see paragraph 5).

The meeting will normally take place within ten working days of receipt of the employee's request for the matter to be heard at this stage of the procedure. Both parties will have the opportunity to put their case to the manager hearing the case. The proceedings of the meeting shall be documented and the decision confirmed in writing within five working days of the meeting, or of a decision being made, if this is later.

In the case of the Town Clerk pursuing a grievance to this stage, the Town Clerk's Line Manager (Chairman of the Council) will call a meeting of the Personnel Committee

The meeting of the Personnel Committee will normally take place within ten working days of receipt of the employee's request for the matter to be heard at this stage of the procedure. Both parties will have the opportunity to put their case to the Committee. The proceedings of the meeting shall be documented and the decision confirmed in writing within five working days of the meeting, or of a decision being made, if this is later.

The procedure to be followed at the hearing is outlined at **Appendix A**.

4.3 Stage 3

If the grievance is not resolved at Stage 2, the employee may request for the matter to be considered by the Council's Personnel Committee or in the case of the Town Clerk by the Council's Complaints Committee by notifying the Chairman of the Council. The employee must do this within ten working days of receipt of the letter confirming the decision reached at Stage 2.

The Chairman of the Council will acknowledge receipt of the notification of appeal within three working days; obtain any earlier documentation including details of decisions made in relation to the grievance; will consult with those who heard the original case at Stage 2 of this procedure; and call a meeting of the Personnel or Complaints Committee whichever is appropriate as outlined above.

The Stage 3 meeting will normally take place within twenty working days of receipt of the employee's request for the matter to be heard at this stage. If it is not possible to convene a meeting within 20 working days, an extension of time may be required. In these circumstances the Chairman of the Council, will write to the employee confirming that the deadline is unable to be met and a date by which the meeting will be convened. In the event that this deadline cannot be met owing to Member commitments, the hearing will be convened at the earliest opportunity. The proceedings of the meeting shall be documented

and the decision of the Committee confirmed in writing within five working days of the meeting, or of a decision being made, if this is later.

The procedure to be followed at the hearing is outlined at **Appendix A**.

This is the final stage of the grievance and disputes procedure and there is no further right of appeal.

5. REPRESENTATION

- 5.1 All employees have the right to be accompanied by a trade union representative, friend or by a work colleague at all stages of the formal procedure.

6. TIME LIMITS

- 6.1 Once a grievance has been submitted, it is in the interests of all parties to resolve the matter as soon as possible and hearings cannot be held indefinitely. Every attempt will be made to comply with the time limits detailed in this procedure. If at any stage in this procedure management fails unreasonably to deal with the matter within the prescribed time limits, the employee will be entitled to proceed to the next stage of the procedure.
- 6.2 Where an employee fails to comply with the time limits for appeal, the procedure will cease and the grievance considered settled or withdrawn unless it is agreed that the failure to comply with the time limits was not the fault of the employee.
- 6.3 The parties to a particular grievance may, on occasion, and by mutual agreement, modify the time limits or procedural stages within this procedure.

7. WORKING ARRANGEMENTS DURING GRIEVANCE PROCEEDINGS

- 7.1 Except where the health and safety of employees and/or members of the public would be placed at risk or where the Council would fail to meet a statutory requirement, the proposed action which has caused the grievance should not be implemented while the grievance is in procedure.
- 7.2 Where status quo does not apply, reasons for this must be given in writing to the aggrieved party within 24 hours of the decision being made.
- 7.3 Discussions between the parties to the grievance will take place as soon as possible with the intention of reaching a temporary compromise solution that will take effect while the grievance is in procedure in relation to matters that may have a serious detrimental effect on:

the earnings or employment of other employees
service provision
competitive viability

These discussions and the outcome of the discussions will be without prejudice to either side to the grievance being pursued.

8. INDUSTRIAL ACTION

- 8.1 Employees will take no industrial action in relation to the grievance while the grievance is in procedure.

9. CONFIDENTIALITY

- 9.1 All interested parties are required to maintain confidentiality throughout this procedure in order to protect the integrity of the process. Failure to maintain confidentiality may result in disciplinary action being taken.

**GRIEVANCE & DISPUTES PROCEDURE
 CONDUCTING THE GRIEVANCE/DISPUTE HEARING OR APPEAL HEARING**
1. Witnesses & Additional Information

The Chairman of the Committee hearing the Grievance must be notified of the attendance of any witnesses, from either side, at least five days in advance of the hearing. Any additional supporting information must also be provided to the Committee (this deadline is extended to 10 working days prior to a Stage 3 hearing).

Failure to comply with the above deadlines may result in witnesses or additional supporting information not being accepted. It will be for the manager or chairperson of the Committee hearing the Grievance to decide whether to accept witnesses or additional information that have been notified beyond these deadlines.

Notes of the proceedings will be taken.

2. The manager or chairperson of the Committee hearing the grievance will:

- i) In the event that the aggrieved employee presents new/additional information on appeal it will be accepted at the discretion of the manager or chairperson of the Committee. Consideration will be given to whether this information should reasonably have been presented at the earlier grievance hearing. Consideration will also be given to new evidence that may come to light that the employee could not have reasonably known about and/or was genuinely unavailable when preparing for the original grievance hearing;
- ii) Direct and control the conduct of the hearing with fairness and impartiality.

3. The manager or chairperson of the Committee will also seek to confirm that the employee understands:

- i) The nature of the hearing and,
- ii) The employees right to be accompanied at the hearing.

4. The employee or his/her representative will present the grievance

- He/she may call witnesses to give evidence or refer to written evidence previously provided to those present at the hearing.
- After each witness has given evidence, the witness may be questioned by the employer representative (who may be the manager having dealt with the grievance in the previous stage of the procedure) following which the employee or his/her representative may re-examine the witness.
- Following the complete presentation of the employee's case, the employer representative will be allowed to question the employee or his/her representative.
- The manager or members of the Committee will be allowed to question the employee, his/her representative and each witness at any point during the presentation of the employee's case.
- Witnesses will only attend that part of the hearing when their evidence is given.

5. The employer representative will present his/her case

- ❑ As part of the case, he/she may call any witness to give evidence or refer to written evidence previously provided to those present at the hearing.
- ❑ After each witness has given evidence, the witness may be questioned by the employee or his/her representative, following which the employer representative may re-examine the witness.
- ❑ Following the complete presentation of the employer representative's case, the employee or his/her representative will be allowed to question the employer representative.
- ❑ The manager or members of the Committee will be allowed to question the employer representation of the employer representative's case.
- ❑ Witnesses will only attend that part of the hearing when their evidence is given.

6. The manager or chairperson of the Committee will then ask each side to summarise their case with the employee's side being heard last.

7. The manager or chairperson of the Committee will ask both parties to withdraw in order to consider the case in private and may defer a decision to a stipulated date to enable the manager or Committee to give adequate consideration to the matter.

8. The manager or Committee will decide whether or not the grievance is well founded and:

- ❑ If it is, then decide on the action to be taken;
- ❑ If it is not, reject the grievance

The manager or Committee may decide that further information is required before he/she can come to a decision. If this is the case, the hearing will be adjourned and reconvened as soon as the information is available.

9. The employee shall receive written confirmation of the decision and of any further right of appeal as allowed for, in this procedure, within five working days of the decision made.

10. The decision of the Committee will be final and binding and there will be no further right of appeal.

Note: The Council may seek independent legal and/or Human Resource support/advice prior to or at a Committee hearing an appeal at Stage 3 throughout the hearing.