



## **Folkestone Town Council**

### **GRIEVANCE PROCEDURE**

Adopted [05/09/19] – Finance & General Purposes – Minute 1302ii

#### **1. Purpose and Scope**

The purpose of this procedure is to set out a framework for helping to resolve grievances quickly and effectively.

#### **2. Dealing with Grievances Informally**

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your line manager as soon as possible. You may be able to agree a solution informally between you.

#### **3. Grievance and the disciplinary process**

Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

#### **4. Mediation**

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

#### **5. Formal Grievance**

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your line manager, headed 'Formal Grievance' detailing clearly the nature of your complaint together with the resolution you seek.

Where your grievance is about your line manager and you feel unable to approach him or her you should raise it with the Town Clerk.

#### **6. Grievance Hearing**

The Council's Grievance Panel will hold the grievance hearing. The hearing will be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations and to draft a grievance investigation report. At the hearing, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform the Chair of the Grievance Panel as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence. You will have the right to be accompanied at that meeting either by a trade union representative or a work colleague.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The Grievance Panel Chair will intervene if he/she thinks that the discussion is straying too far from the key issue and may intervene to ensure that the hearing can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

Following the hearing, you will be informed in writing of the outcome as soon as is reasonably practicable.

## **7. Investigations**

Following the grievance hearing, it may be necessary to carry out further investigations of any allegations made by you, although the confidentiality of the grievance process will be respected, wherever possible. The Town Clerk, Town Mayor or nominated person will decide on who will carry out the investigation. Depending on the nature of the Grievance it may be necessary for the Council to appoint an external provider to investigate the grievance raised.

If any evidence is gathered in the course of these investigations, you will be given a copy, or a copy of the grievance investigation report, in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

If you are invited to attend an investigation meeting relating to the grievance that you have raised, you will have the right to be accompanied by a work colleague or trade union official of your choice.

## **8. Appeals**

If you wish to appeal against the outcome you must do so in writing to the Chair of the Grievance Panel within 5 working days. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate.

The Personnel Sub Committee will either hear the appeal or appoint another Councillor or person or panel to hear the appeal. The appeal will be heard by someone who is unconnected with the original complaint. The person hearing the appeal will arrange to meet with you before making a decision. You will have the right to be accompanied at that meeting either by a trade union representative or a work colleague.

The outcome of the appeal will be final.

## **9. Data protection**

Folkestone Town Council processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Folkestone Town Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council's Disciplinary Procedure.