



## FRAMLINGHAM TOWN COUNCIL

### GRIEVANCE PROCEDURE

#### Raising a Grievance

- 1) An employee who is managed by the clerk to the council and who is aggrieved on any matter should discuss the grievance in the first instance with the clerk. If the clerk is the person aggrieved, (s)he should discuss the matter with the Chair of the council.
- 2) The person to whom the grievance is submitted should reply orally as soon as possible and in any event within seven days.
- 3) If the employee continues to be aggrieved, (s)he should submit the grievance in writing to the person with whom discussions were held first. A copy of the submission should be retained by the employee.
- 4) The person to whom the grievance is submitted should reply to the complaint in writing, stating the action which is to be taken, or rejecting the grievance.
- 5) If the employee continues to be aggrieved in respect of the original complaint, (s)he should request the Council convene a meeting of the Employment Committee to hear the grievance. If required an extraordinary meeting of the full council may be called to convene an Employment Committee meeting. **The council should give the Employment Committee full authority to take all necessary action in respect of the matter, without recourse back to the council.** The minutes of the meeting setting up the Employment Committee should make it clear that full delegated authority is being given to the committee. Wherever possible, membership of the Employment Committee should be drawn from members of the council who are not otherwise involved in the grievance. In addition to identifying a member to chair the Employment Committee, the council should also identify a member of the committee whose responsibility it will be to act as secretary to the Committee and to record its decision (and the reasons for that decision)
- 6) A meeting of the Employment Committee should be held within not more than three weeks of its having been convened by the council. At that meeting, the Committee should hear the grievance, and determine what action, if any, should be taken. Full details of the grievance, and any response hereto by the person to whom the grievance was originally submitted, shall be sent to the members of the Employment Committee not less than three days before the hearing. The purpose of these timescales is to secure prompt resolution of the grievance. If it is not possible for these timescales to be strictly adhered to, the council and the employee are expected to co-operate in ensuring that the grievance is heard by the Employment Committee

as quickly as is reasonably practicable. The location and timing of an alternative hearing should be convenient to both the employee and employer.

- 7) This procedure shall be followed at any meeting of an Employment Committee convened to hear a grievance.

### **General Conduct at Grievance Hearings**

- 8) The meeting of the Employment Committee convened to hear the grievances should be held in private. Members of the council who are not members of the Employment Committee should not be permitted to attend the hearing, unless they attend in the capacity of witnesses.
- 9) Hearings should be formal but polite. The focus must be on establishing the facts, not getting into arguments or making personal comments.
- 10) All documents to be considered at the hearing should normally have been sent to all parties in advance. However, if vital documentary evidence is presented for the first time at the hearing, an adjournment may be necessary for all parties to read and absorb its contents.
- 11) Adjournments may be requested by any of the parties present and this may be granted by the Employment Committee at its discretion. If an adjournment is granted, the Committee will fix a time for resuming the hearing and both sides will leave and return together.
- 12) Witnesses may only be present during a hearing whilst giving their evidence or answering question.
- 13) The employee who has lodged the grievance may be accompanied or represented at a grievance hearing by a friend, work colleague or trade union representative (not a solicitor or barrister). References to “employee” below include any companion or representative acting on the employee’s behalf. Normally, either the employee or their representative may ask questions of witnesses, not both. The representative may not answer questions on behalf of the employee.

### **Order of the Hearing**

- 14) The chair of the Committee will check that everyone has the relevant papers and understands the process to be followed.
- 15) Presentation of the grievance:
  - a) The employee (or their representative) will set out their grievance, presenting their own evidence and/or calling witnesses as required, and, if appropriate, outlining the remedy which they are seeking.
  - b) The person to whom the grievance was originally submitted may, if they wish, ask questions of the employee and of any witness whom the employee has called.
  - c) The Committee may also ask questions. The employee may re-examine any witnesses.

16) Response:

- a) The person to whom the grievance was originally submitted may, if they wish, respond to the grievance, presenting their own evidence and/or calling witnesses as required.
- b) The employee may ask questions of the person responding and of any witness whom they have called.
- c) The Committee may also ask questions. The person responding may re-examine any witnesses.

17) Re-call of witnesses:

- a) Once the grievance and the response (if any) have been heard in full, either party, or the Committee itself, may ask for a witness to be recalled for clarification of evidence. Documentary or other evidence may also be revisited at this stage, if required. The decision on whether to re-examine evidence rests with the Committee.

18) Final statements:

- a) Both the person responding and the employee (in that order) may make final statements, if they wish to do so. These are brief summing up statements to highlight each party's key points. No new evidence may be presented at this stage.

19) Consideration of the case:

- a) All parties to the hearing will then withdraw, and the Committee will then deliberate.
- b) If it is necessary to clarify any of the evidence presented, including recalling of witnesses, all parties will be recalled, even if the point of clarification only concerns one party.

20) Decision:

- a) The Committee should recall both parties and give them the decision immediately after the hearing. In any case, the decision will be confirmed in writing within one week of the date of the hearing.