



ATTLEBOROUGH TOWN COUNCIL

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GRIEVANCE POLICY & PROCEDURE

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems, or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their manager.
3. This policy confirms:
 - Employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative, or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider, or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
 - Any changes to specified time limits must be agreed by the employee and the Council.
 - An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
 - Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the

- Council in accordance with the General Data Protection Regulation (GDPR).
- Audio or video recordings of the proceedings at any stage of the grievance procedure is prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- If an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.
- The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor.
- If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Breckland Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure.
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment, and all forms of discrimination.
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies and in accordance with the code of conduct regime.

Informal Grievance Procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Personnel Committee or, if appropriate, another member of the Personnel Committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal Grievance Procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Personnel Committee.
6. The Personnel Committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors, or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - The names of the Sub-committee Chairman and other members.
 - The date, time, and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance.
 - The employee's right to be accompanied by a workplace colleague, a trade union representative, or a trade union official.
 - A copy of the Council's grievance policy.
 - Confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting.
 - Confirmation that the employee will provide the Council with any
 - supporting evidence in advance of the meeting, usually with at least two days' notice.
 - Findings of the investigation if there has been an investigation.
 - An invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The Grievance Meeting

10. At the grievance meeting:

- The Sub-Committee Chairman will introduce the members of the sub-committee to the employee.
- The employee (or companion) will set out the grievance and present the evidence.
- The Chairman will ask the employee questions about the information presented and will want to understand what action he/she wants the Council to take.
- Any member of the sub-committee and the employee (or the companion) may question any witness.
- The employee (or companion) will have the opportunity to sum up the case.
- A grievance meeting may be adjourned to allow matters that were
- raised during the meeting to be investigated by the sub-committee.

11. The Sub-committee Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The Appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, for example:

- A failure by the Council to follow its Grievance Policy & Procedure.
- The decision was not supported by the evidence.
- The action proposed by the sub-committee was inadequate or inappropriate.
- New evidence has come to light since the grievance meeting.

14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Personnel Committee. The appeal panel will appoint a Chairman from one of its members.

15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative, or a trade union official.

16. At the appeal meeting, the Chairman will:

- Introduce the panel members to the employee.
- Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee.

- Explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
 18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
 19. The appeal panel may decide to uphold the decision of the Personnel Committee or substitute its own decision.
 20. The decision of the appeal panel is final.



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COMPLAINTS POLICY & PROCEDURE

Introduction

1. The council will endeavour to deal with complaints in an efficient, equitable, and respectful manner.
2. The Council will try to keep the lines of communication open, with appropriate support for a complainant with special needs; suggesting a representative to help them present their case.
3. This policy and procedure can be used by members of the public and councillors.
4. Some types of complaint are handled outside this procedure:
 - Financial irregularity is handled by the Council's own auditor / Audit Commission.
 - Criminal activity by the Police.
 - Member conduct by the Monitoring Officer of Breckland Council.
 - Employee conduct by internal disciplinary procedure.
5. This procedure covers routine complaints and those that could be described as habitual and vexatious.
6. The Chairman or in their absence the Deputy Chairman of the council will deal with complaints unless they are directly involved with the case.
7. The Clerk should normally represent the council through the proceedings, but a nominated councillor may act as the council representative instead at the discretion of the full council.

Procedure

8. The complainant should complain in writing to the Chairman of the council.
9. After receiving a complaint, the Chairman or in their absence the Deputy Chairman of the council should contact the complainant within 10 working days in an effort to resolve the issue informally and confidentially in the first instance.
10. The Chairman or in their absence the Deputy Chairman of the council should:
 - Provide the complainant with a copy of the Complaints Policy & Procedure.
 - Listen to the grievance/complaint.
 - Assure the complainant of confidentiality with personal details.
 - Offer any relevant support about the complaint's procedure to the complainant.

- If applicable, carefully explain what action the council has taken within its remit to resolve the complaint.
 - Suggest complaint routes available if complaint is outside the council's remit.
 - Explain what actions the council may take.
 - Explain the outcome and relevant details of any complaints meeting will be noted.
11. If the issue cannot be resolved informally, the Chairman or in their absence the Deputy Chairman of the council will nominate three councillors, who are not directly involved with the case, to form a Complaint Sub-Committee within 5 working days of this decision. This committee will appoint a Chairman and follow The Complaints Meeting procedure (see points 12 to 14).

The Complaints Meeting

12. Before the meeting:

- After their appointment, the Complaints Sub-Committee should advise the complainant within 10 working days when the matter will be considered.
- The complainant should be invited to attend a meeting with a representative if wished.
- Not later than five working days prior to the meeting, the complainant and the complaint sub-council will exchange copies of any documentation or other evidence to be relied on.

13. At the meeting:

- The Chairman of the meeting should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint before any questions from the appointed council representative (see point 7) and then from members of the Complaint Sub-Committee.
- The appointed council representative should explain the council's position before any questions from the complainant and then from members of the Complaint Sub-Committee.
- The complainant and the appointed council representative should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

14. After the meeting:

- The decision should be confirmed in writing within 5 working days together with details of any action to be taken.
- The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

Appeals

15. Should the complainant not agree with the decision they are entitled to appeal the decision

- within 10 working days of receipt of the result of the proceedings. They should make their appeal in writing and address it to the Chairman of the council.
16. The Chairman or in their absence the Deputy Chairman of the council will nominate three councillors to form an Appeal Sub-Committee. Councillors should not have been part of Complaints Meeting or be directly involved with the case.
 17. The Appeal Sub-Committee should handle the appeal within 15 working days of receiving the appeal and examine the way in which the council dealt with the complaint.
 18. If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back to the Chairman or in their absence the Deputy Chairman of the council for consideration.
 19. The appellant should be notified of the result of their appeal within 5 working days of the appeal process.

Habitual and Vexatious Complaints

20. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
21. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or in their absence the Deputy Chairman of the council to ensure that the complaint has been dealt with according to the council's complaints procedure.
22. Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.
23. The council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive, or threatening.
24. Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.
25. The complainant should be warned in writing that their complaint is considered persistent and/or vexatious and be given an opportunity appropriately restate or withdraw their complaint before any further action is taken.
26. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or in their absence the Deputy Chairman of the council should seek the approval of the council to follow the policy and agree what action(s) to take, which may include restricting or refusing any further contact. In this case the following actions must take place:
 - The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
 - The council must record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act 2018.
 - The Clerk must notify all councillors and members of staff as appropriate.
 - Any new complaint from any person who has come under this policy must be treated on its merit.

- The decision taken should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply this policy has been reversed.



ATTLEBOROUGH TOWN COUNCIL Equality Policy

POLICY STATEMENT

1. **Attleborough Town Council** recognises that discrimination and victimisation is unacceptable and that it is in the interests of the Council and its employees to utilise the skills of the total workforce. It is the aim of the Council to ensure that no employee or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation (the **protected characteristics**).
2. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.
3. We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all in our employment.
4. All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
5. Our staff will not discriminate directly or indirectly, or harass customers or clients because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of the Council's goods and services.
6. This policy and the associated arrangements shall operate in accordance with statutory requirements. In addition, full account will be taken of any guidance or Codes of Practice issued by the Equality and Human Rights Commission, any Government Departments, and any other statutory bodies.

OUR COMMITMENT

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- To promote equality in the workplace which we believe is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.

- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- The policy will be monitored and reviewed annually

RESPONSIBILITIES OF MANAGEMENT

Responsibility for ensuring the effective implementation and operation of the arrangements will rest with the Members and CEO & Town Clerk. Members will ensure that they and their staff operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. Each will ensure that:

- all their staff are aware of the policy and the arrangements, and the reasons for the policy;
- grievances concerning discrimination are dealt with properly, fairly and as quickly as possible;
- proper records are maintained.

The Personnel Committee will be responsible for monitoring the operation of the policy in respect of employees and job applicants.

RESPONSIBILITIES OF STAFF

Responsibility for ensuring that there is no unlawful discrimination rests with all staff and the attitudes of staff are crucial to the successful operation of fair employment practices. In particular, all members of staff should:

- comply with the policy and arrangements;
- not discriminate in their day to day activities or induce others to do so;
- not victimise, harass or intimidate other staff or groups who have, or are perceived to have one of the protected characteristics.
- ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic.
- inform their manager if they become aware of any discriminatory practice.

THIRD PARTIES

Third-party harassment occurs where an employee is harassed, and the harassment is related to a protected characteristic, by third parties. **Attleborough Town Council** will not tolerate such actions against its staff, and the employee concerned should inform their manager / supervisor at once that this has occurred. **Attleborough Town Council** will fully investigate and take all reasonable steps to ensure such harassment does not happen again.

RELATED POLICIES AND ARRANGEMENTS

All employment policies and arrangements have a bearing on equality of opportunity. The Council policies will be reviewed regularly and any discriminatory elements removed.

RIGHTS OF DISABLED PEOPLE

The Council attaches particular importance to the needs of disabled people.

Under the terms of this policy, Members are required to:

- make reasonable adjustment to maintain the services of an employee who becomes disabled, for example, training, provision of special equipment, reduced working hours. (NB: are expected to seek advice on the availability of advice and guidance from external agencies to maintain disabled people in employment);
- include disabled people in training/development programmes;
- give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitudes and abilities to allow them to be able to do the job.

EQUALITY TRAINING

Training will be provided on this policy and the associated arrangements.

MONITORING

- The Council deems it appropriate to state its intention not to discriminate and assumes that this will be translated into practice consistently across the organisation as a whole. Accordingly, a monitoring will be introduced to measure the effectiveness of the policy and arrangements.
- The system will involve the routine collection and analysis of information on employees by gender, marital status, ethnic origin, sexual orientation, religion / beliefs, grade and length of service in current grade. Information regarding the number of staff who declare themselves as disabled will also be maintained.
- There will also be regular assessments to measure the extent to which recruitment to first appointment, internal promotion and access to training/development opportunities affect equal opportunities for all groups.
- We will maintain information on staff who have been involved in certain key policies: Disciplinary, Grievance and Bullying & Harassment.
- The information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose.
- If monitoring shows that the Council, or areas within it, are not representative, or that sections of our workforce are not progressing properly within the Council, then an action plan will be developed to address these issues. This will include a review of recruitment and selection procedures, Council policies and practices as well as consideration of taking legal Positive Action.

GRIEVANCES/DISCIPLINE

Employees have a right to pursue a complaint concerning discrimination or victimisation via the Council Grievance or Harassment Procedures.

Discrimination and victimisation will be treated as disciplinary offences and they will be dealt with under the Council Disciplinary Procedure.

REVIEW

The effectiveness of this policy and associated arrangements will be reviewed

Adopted: 1 August 2016

Reaffirmed: At the Attleborough Town Council Meeting held on 13 May 2019