



CHESHAM TOWN COUNCIL

COLLECTIVE GRIEVANCE POLICY & PROCEDURE

PURPOSE AND SCOPE

The purpose of this policy is to specify the formal procedure by which a trade union representative or other appropriate workplace representative may raise a grievance on behalf of a group of employees, whilst encouraging employees to use informal discussions to resolve problems in the first instance.

This policy applies to all employees of Chesham Town Council.

This policy does not apply to grievances raised by individual employees. Such grievances will be dealt with using the council's Grievance Policy and Procedure.

This policy does not apply where employees have a grievance about a councillor. If it is not possible to informally resolve a complaint of this nature, the complaint must be passed on to the Monitoring Officer.

DEFINITION OF GRIEVANCE

For the purpose of this policy, grievances are defined as concerns, problems or complaints over work-related matters that a group of employees raises with the council. Examples of grievances include concerns over employment terms and conditions, contractual or statutory rights, health and safety, work relations, the working environment, new working practices, bullying and harassment, organisational change and discrimination.

For instances of bullying and harassment, employees are also advised to refer to the council's Bullying and Harassment Policy.

INFORMAL PROCEDURE

Chesham Town Council recommends that all employees talk to their manager informally to try to resolve a problem before raising a formal grievance. However, if the informal approach fails to resolve the matter, representatives can use the procedure outlined in this document to raise a grievance formally on behalf of more than one employee. The grievance should be raised without unreasonable delay.



PRINCIPLES OF THE GRIEVANCE PROCEDURE

- (i) All grievances will be treated fairly and objectively.
- (ii) Employees will not be dismissed or suffer disadvantage as a result of raising a genuine grievance.
- (iii) If the employee has difficulty reading and writing, or if English is not their first language, any written documentation, e.g. a letter explaining the outcome of a meeting, will also be explained to them orally. Additional support that may be required at meetings will also be taken into consideration and provided as appropriate.
- (iv) Any action taken as a result of a grievance will be monitored and reviewed, as appropriate, to ensure that issues are dealt with effectively.

NOMINATED REPRESENTATIVES

Employees wishing to pursue a collective grievance should nominate individuals to represent their interests throughout the process. These people will be referred to as 'nominated representatives'.

These need not necessarily be the same individuals at each stage of the process and may or may not be trade union representatives.

Nominated individuals will be responsible for representing the interests of all employees in the collective grievance, including presenting the case at meetings.

The maximum number of nominated representatives allowed throughout the grievance procedure is as follows:

| | |
|-------------------------------------|-----------------------------------|
| Number of employees with grievance: | Maximum number of nominated reps: |
| 2 to 5 | 2 |
| 6 to 12 | 3 |
| 13 to 20 | 4 |
| 21+ | 5 |

FORMAL COLLECTIVE GRIEVANCE PROCEDURE

1. Write a Letter

The grievance should be raised with a manager/Member (as appropriate) who is not the subject of the grievance, by writing a letter detailing the nature of the grievance. In most circumstances, the nominated representatives should write the letter to a



relevant Line Manager. If this is not possible, the nominated representatives may write to the Town Clerk or a Member of the Staffing Committee, as appropriate.

The grievance letter must include the name, job title and contact details of the nominated representatives, and whether they are acting in a capacity of a trade union representative.

The grievance letter must be signed by all employees to whom the grievance applies to confirm that they give their consent to be represented by the nominated representatives.

The letter should be dated and a copy kept by the nominated representatives.

To assist with this process, nominated representatives may use the town council's collective grievance letter template.

2. Investigation (Optional)

Upon receipt of a grievance it may be necessary to conduct an investigation. If appropriate, an investigatory meeting will be held to gather all relevant facts and evidence.

The nominated representatives will be invited to this investigatory meeting as soon as possible, in writing. It will be made clear that the purpose of the meeting is to establish the facts and that the nominated employees have a statutory right to be accompanied at the meeting. Under this policy, accompaniment will normally be complied with due to the number of nominated representatives permitted to represent the employees concerned. Due consideration will be given to whether any reasonable adjustments are necessary for nominated representatives who are disabled.

The investigatory meeting will usually be conducted by an appropriate Line Manager. If this is not possible, the meeting will be conducted by the Town Clerk or a Member of the Staffing Committee.

The investigation will be conducted as soon as possible and will normally be completed with five working days of receiving the grievance. However, if the matter is particularly complex, this can be extended to 15 working days, If it is not possible to complete the investigation within this timeframe, the nominated representatives will receive a written explanation of the delay and when the investigation is expected to be completed.

As soon as reasonably practicable after the conclusion of the investigatory meeting (usually five working days), the nominated representatives will be notified in writing that the investigation has been completed.



3. Formal Collective Grievance Meeting

A grievance meeting will be held to discuss the grievance with the nominated representatives. The meeting will be conducted by a Manager/Staffing Committee Member (henceforth referred to as the 'employer') who has not been involved in any investigation that may have been undertaken. Wherever possible, the meeting will be arranged within five working days after the grievance is received or within five working days of the conclusion of an investigatory meeting if one has been held. The nominated representatives will be notified in writing of the date, time and location of the meeting, who will conduct the Grievance Meeting and the statutory right of employees to be accompanied at Grievance Meetings.

Employees have a statutory right to be accompanied at formal grievance meetings. Under this policy, accompaniment will normally be complied with due to the number of nominated representatives permitted to represent the employees concerned. Due consideration will be given to whether any reasonable adjustments are necessary for nominated representatives who are disabled.

The meeting will be held at a reasonable time and place. The nominated representatives and the employer should make every effort to attend the meeting. If the nominated representatives cannot attend the meeting, another meeting will be arranged to take place within five working days of the original date. This timescale may be extended by mutual agreement. The meeting will be held in private, where there will not be interruptions.

Prior to the meeting, the nominated representatives must inform the employer of the names of the people attending the meeting in their capacity as nominated representatives and any witnesses they wish to attend.

The purpose of the meeting is to establish the facts of the grievance and find a way to resolve the problem. During the meeting, both the nominated representatives and a responding manager will be allowed to present their cases.

If deemed necessary, the employer may adjourn the meeting until after further investigation has been conducted.

Copies of meeting records will be given to the nominated representatives, including any formal minutes. However, Chesham Town Council may withhold some information in certain circumstances, e.g. to protect a witness.

4. Decision and Notification

The employer will decide what action, if any, to take after the meeting. A letter will be sent to the nominated representatives notifying them of the decision within five working days of the initial meeting. Where appropriate, the letter will set out what action the employer intends to take to resolve the grievance. Where the grievance is



not upheld, the reasons for this will be clearly explained. The letter will also specify that the employees can appeal if the majority are not content with the decision/action taken.

APPEALS PROCEDURE

If the majority of employees (50% + one) feel that their grievance has not been satisfactorily resolved, they can appeal in writing to the employer, specifying the grounds for their appeal, within five working days of receiving notification of the decision. To assist with this process, nominated representatives may use the town council's collective grievance appeal letter template.

An Appeal Hearing will be held, wherever possible, within five working days of receiving notification of the appeal from the nominated representatives. The nominated representatives will be notified in writing of the date and location of the hearing and the name of the person(s) conducting the hearing in advance. They will also be informed of the statutory right of employees to be accompanied at Grievance Appeal Hearings. Under this policy, accompaniment will normally be complied with due to the number of nominated representatives permitted to represent the employees concerned. Due consideration will be given to whether any reasonable adjustments are necessary for nominated representatives who are disabled.

Prior to the meeting, the nominated representatives must inform the employer of the names of the people attending the meeting in their capacity as nominated representatives and any witnesses they wish to attend.

At the hearing, an Appeals Panel will consider any representations made by the employee and/or their companion, those of the investigating Manager/Member and the Manager/Member who conducted the grievance meeting and made the decision. Wherever possible the Appeals Panel will not include Members or officers who have previously been involved in the case.

The appeal will be dealt with impartially.

Copies of meeting records will be given to the nominated representatives, including any formal minutes. However, Chesham Town Council may withhold some information in certain circumstances, e.g. to protect a witness.

The outcome of the appeal will be communicated to the nominated representatives in writing within five working days of the hearing. The letter will also specify that there will be no further right of appeal.



DOCUMENTATION

During the grievance process, written records will be kept. These will include: the nature of the grievance, what was decided and actions taken, the reasons for action taken, whether an appeal was lodged, the outcome of the appeal and any subsequent developments.

Records will be treated as confidential and kept no longer than necessary in accordance with UK Data Protection Law.

POLICY MONITORING AND REVISION

This policy will be reviewed every four years and will also be revised in the light of changing needs, changes in legislation and guidance, or in the light of experience.

Version 4 Adopted: 3 September 2018

Policy Due for Review: September 2022

