



# Grievance Policy and Procedure

Honiton Town Council

## 1. Policy Statement

The Council recognises that individual employees or groups of employees may, from time to time, feel they have been treated unfairly and wish to raise a concern about an aspect of their employment. The Council accepts that each employee has the right to raise a grievance and to expect that management will consider it and respond.

The purpose of the accompanying procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to encourage communication between employees and managers to ensure that problems arising during the course of employment can be expressed and resolved at the earliest opportunity and minimise the need for escalation to formal stages of this process.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Matters that have already been considered in accordance with this procedure;
- Matters arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Matters in respect of issues over which the Council has no control. e.g. external legislation;
- Matters that are already the subject of a collective grievance or dispute; and
- Matters relating to Councillors who have allegedly breached the Council's Code of Conduct. (See section 2 for further information regarding how these matters should be addressed).

The timescales shown in the following procedure may be altered by mutual agreement.

The nature and number of grievances raised in accordance with the accompanying procedure will be monitored annually by the Town Clerk.

This policy and the following procedure will be the subject of periodic review. Responsibility for conducting this review will rest with the Town Clerk and approved by HR Committee or Full Council.

## 2. Grievances Relating to Breaches of the Council's Code of Conduct by Councillors

A grievance or complaint which relates to a breach of the Council's Code of Conduct by one or more Councillors of Honiton Town Council can initially be addressed informally as described in 3.2. below. However, if this is not possible/successful then a complaint should be made to the designated contact e.g. the Monitoring Officer at East Devon County Council rather than being addressed via the formal stages of this Grievance Procedure. As a matter

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of courtesy the Town Clerk and the Mayor of the Council should be informed by the Monitoring Officer if the matter has been raised with the designated contact at the principal authority (as above).

Where only part of a grievance or complaint relates to a Code of Conduct complaint, consideration should be given to which part(s) can be addressed under the Council's Grievance Procedure and which must be referred to the designated contact (as above).

A copy of the Councillor Code of Conduct may be accessed on the Town Council's website.

### **3. Procedural Guidelines**

#### **3.1. General Principles**

The grievance procedure should not be used as a substitute for constructive dialogue between employees or difficult conversations between employees and managers.

Grievances will be handled as quickly and fairly as possible.

Throughout any investigation that takes place, the Town Clerk or other nominated point of contact will ensure that any employees affected by this process are informed of likely timescales.

All employees involved in a grievance process should respect confidentiality and the privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

The Council will take all grievances seriously. However, where there is evidence to suggest that a grievance has been raised in bad faith and/or is malicious or vexatious this may be addressed as a disciplinary matter.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Employees may wish to seek the advice of a trade union representative or work colleague when considering raising a grievance or when doing so.

#### **3.2. Informal Resolution**

In many cases the most effective way to resolve a grievance is to do so quickly and informally. Employees are encouraged to try to do this wherever possible.

Grievances should be raised informally as soon as possible and, other than in exceptional circumstances, within twenty working days of the incident or event. However it is recognised that in some cases a recent grievance can include a series of directly related incidents which have had a cumulative effect and have happened over a longer time period.

Options include:

- The employee can discuss their grievance with the person/people who are the subject of those concerns in order to resolve the situation.

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- The employee can have an informal discussion with their line manager to explain their grievance and ask them to assist in resolving it.
- The employee can have an informal discussion with the Town Clerk to explain their grievance and ask them to assist in resolving it.
- In a situation where the grievance relates to the Town Clerk, the employee can have an informal discussion with the Chair of the HR Committee to explain their grievance and ask them to assist in resolving it.
- Mediation (see 3.3 below).

Where the employee approaches their line manager, the Town Clerk or the Chair of the HR Committee for assistance, those individuals should consider and seek to resolve the grievance within ten working days. Whether or not informal resolution proves possible, the employee should in every case be given relevant feedback.

### **3.3. Mediation**

Workplace mediation is a voluntary and confidential process that can be used to attempt to resolve workplace conflict.

This option is available to the Town/Parish Council as a means to resolve the grievance informally, although mediation may also be used at any stage of the grievance process.

During mediation a trained, impartial mediator works with the parties to try to:

- clarify each person's concerns, perspectives and desired outcomes;
- support them to express this to the other party/parties in a safe and controlled environment;
- facilitate further discussion to explore the issues and reach a shared understanding;
- reach agreement about how things will work in future to resolve their differences and avoid future conflict.

### **3.4. Formal Resolution**

If the aggrieved employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk in writing, stating the nature of the grievance. This should be done within ten working days of receiving feedback on the informal process.

#### **3.4.1 Review of grievance**

Upon review of the formal written grievance submission, the Town Clerk will decide whether further investigation is needed or whether the grievance can proceed straight to a meeting.

Should the Town Clerk be unable to investigate or respond to a grievance, e.g. because they have been named as a witness, then the grievance should be sent to the Chair of the HR Committee as in Section 5 below.

#### **3.4.2 Investigation**

Investigation is usually needed at this stage; if so, then the Town/Parish Clerk will appoint an appropriate investigator. This may be the Town Clerk, another manager or someone external to the Town Council.

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The investigation may involve interviewing other parties. All evidence collected during the investigation may be collated into a report, which would then be presented at the Grievance meeting.

The investigation will be concluded as soon as reasonably practicable.

### **3.4.3 The Grievance Meeting**

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within five working days of receiving the formal written grievance. If this is not possible, for example because an investigation is being carried out, the employee should be informed of the reason for any delay.

It is not expected that other parties, such as those named within the grievance, would attend the meeting. However, if it is determined by the Town Clerk that their contributions would facilitate consideration of the grievance, they will be asked to make themselves available in order to respond to any matters raised by the aggrieved employee during the course of the meeting.

When an investigation **has not** been carried out in advance it is still possible that, during the meeting, the Town Clerk may decide that it is necessary to adjourn the grievance meeting to conduct an investigation. This would be undertaken as set out in 3.4.2 above.

When an investigation **has** been carried out in advance, it is still possible that the Town Clerk may decide during the meeting that further investigation is needed. The meeting would be adjourned to enable this to be undertaken, usually by the original investigator.

In either of these situations where the meeting has been adjourned to enable investigation, once this has been completed the Town Clerk will decide whether to:

- reconvene the meeting to confirm the outcome and follow up in writing as set out below or
- confirm the outcome in writing as set out below without reconvening the meeting.

### **3.4.3 The Outcome**

A formal written response to the grievance should be issued within 5 working days of either the initial or the reconvened grievance meeting taking place or following the conclusion of an investigation, as appropriate.

## **4. Appeal**

If the employee is still aggrieved, there is a right of Appeal to a panel of members of the Appeals Committee. The Appeal should be submitted in writing within ten working days of receipt of the formal written response issued by the Town Clerk. The Appeal Panel must consider the Appeal within twenty working days of receipt of the written appeal.

There is no further right of Appeal.

## **5. Grievances Relating to the Town/Parish Clerk**

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If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Chair of the HR Committee who will oversee the investigation process and respond to the grievance as outlined above. This will also be the case if the Clerk is unable to investigate or respond to a grievance, e.g. because they have been named as a witness.

If the grievance is being raised by the Town Clerk the grievance should be submitted in writing to the Chair of the HR Committee as above. If the grievance relates to the action or omission of the Chair of the HR Committee then it should be directed to the Chair of the Council.

## **6. Representation**

An individual raising a formal grievance may be accompanied throughout the formal stages of the process by a trade union representative or work colleague of their choice.

# Grievance procedure flow chart

If the grievance relates to the Town Clerk, See Section 5

## INFORMAL RESOLUTION

The aggrieved employee should try to resolve the issue directly with the individual(s) concerned

Where unsuccessful or unable to do this, the aggrieved employee should raise the matter informally with their line manager or the Town Clerk

The Line Manager or Town Clerk meets with the aggrieved employee to consider and seek to resolve the grievance.

Where appropriate, mediation may be considered.

The Line Manager or Town Clerk confirms the outcome of the informal process and, if appropriate, any action taken.

## FORMAL RESOLUTION

If the aggrieved employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk, in writing.

Upon review of the written grievance submission, the Town/Parish Clerk will conclude whether investigation is needed or the grievance can proceed straight to a meeting.

### NO INVESTIGATION REQUIRED

Grievance meeting is convened

If it is determined at the meeting that an investigation is in fact required, the meeting will be adjourned to allow this to happen. Once completed, the meeting will be reconvened if appropriate/necessary, or the response given in writing.

Formal written response is issued

### INVESTIGATION REQUIRED

Investigation is carried out

Grievance meeting is convened

If it is determined at the meeting that any further investigation is required, the meeting will be adjourned to allow this to happen. Once completed, the meeting will be reconvened if appropriate/necessary, or the response given in writing.

Formal written response is issued

## APPEAL

If the employee is still aggrieved, they can appeal to a panel of members of the Personnel Committee/relevant committee.

The Appeal Panel shall arrange for a meeting to consider the appeal.

A formal written response to the appeal is issued.

There is no further right of appeal.