AGENDA FOR THE MEETING OF COUNCIL MATTERS COMMITTEE

MONDAY 9TH NOVEMBER 2026 AT 6.30PM IN THE GUILDHALL

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby SUMMONED to attend the **Council Matters Committee** on **Monday 9th November 2026 at 6.30pm** in the Guildhall for the purpose of transacting the following business:

Committee Members: Councillors L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, D Peters, E Price and M Trant.

1. WELCOME AND APOLOGIES FOR ABSENCE
The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 90 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

To receive apologies and to confirm that any absence has the approval of the Council.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME
A period of 15 minutes will be allowed for members of the public to ask questions or make comment regarding the work of the Committee or other items that affect Totnes.

The Committee will convene to consider the following items:

2. CONFIRMATION OF MINUTES
To approve the minutes of 12th October 2026 and update on any matters arising. Document attached [page 3].

3. STRATEGY DELIVERY WORKING GROUPS
To consider any budgetary recommendations from the following (document to follow):

a. Economy Working Group, 3rd November 2026.

4. BUDGET MONITOR
To consider the Budget Monitor. Document attached.

5. DISCIPLINE POLICY AND PROCEDURES
To review the Disciplinary Policy and Procedures. Document attached [page 5].

6. GRIEVANCE POLICY
To review the Grievance Policy. Document attached [page 16].

7. DATE OF NEXT MEETING
To note the date of the next meeting of the Council Matters Committee – Monday 14th December 2026 at 6.30pm in the Guildhall. No document.

*The Committee will be asked to **RESOLVE** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

8. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)
To consider the bank statements and reconciliations for October (financial). Documents attached.

9. CIVIC HALL FIRE DOORS
To consider quotes for replacing/repairing fire doors at the Civic Hall that are non-compliant (commercial). Document attached.

10. CHRISTMAS LATE NIGHT SHOPPING EVENINGS
To consider a budget increase for the Christmas Late Night Shopping Evenings for travel-related costs (commercial). Verbal update.

11. STAFFING – JOB DESCRIPTION
To consider the job description and recruitment timeline for the Town Maintenance Officer role (staffing). Document to follow.

12. STAFF ATTENDANCE
To note sickness and overtime balances (staffing**)**. Verbal update.

13. STAFFING UPDATE
For any general or urgent updates that required confidential sharing with Councillors (staffing). Verbal update.

Catherine Marlton
Town Clerk
4th November 2026

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.

DRAFT MINUTES FOR THE MEETING OF COUNCIL MATTERS MONDAY 12TH OCTOBER 2026 AT 6.30PM IN THE GUILDHALL

Present: Councillors D Peters (Chair), L Auletta, C Beavis, T Bennett, J Chinnock, J Hannam, E Price and M Trant.
Apologies: None.
In Attendance: C Bewley (Finance and HR Manager).

1. APOLOGIES FOR ABSENCE

The Chair read a statement about how the meeting would be conducted.

PUBLIC QUESTION TIME

There were no members of the public present.

2. CONFIRMATION OF MINUTES

To approve the minutes of 14th September 2026 and update on any matters arising.

The minutes were **AGREED** unanimously as an accurate record of the proceedings.

3. STRATEGY DELIVERY WORKING GROUPS

To consider any budgetary recommendations from the following:

a. Any grant funding recommendations from the Working Groups.

The recommendations from the working group were **AGREED** unanimously, that:

- the Totnes Trust application is not funded given the uncertainty over future public access of the site; and to make the Totnes Trust aware of the grants page on the Town Council website that may have grants for public art and sculpture.
- the Living Projects 'Grow Share' application is rejected as the project is based in Dartington and therefore does not conform with the policy requirement of being based within the Totnes parish boundary. It is suggested that they approach Dartington Parish Council for funding.

4. BUDGET MONITOR

To consider the Budget Monitor.

The budget monitor was **AGREED** unanimously.

5. MAYOR'S ENGAGEMENTS AND BUDGET

To consider the Mayor's engagements since July 2026 and the current budget.

Noted.

6. ABSENCE MANAGEMENT POLICY

To review the Absence Management Policy.

It was **RESOLVED** to adopt the Absence Management Policy.

7. PENSIONS DISCRETION POLICY

To consider a Pensions Discretions Policy.

It was **RESOLVED** to adopt the revised Pensions Discretion Policy.

8. PRIVACY POLICY

To review the Privacy Policy.

To **RECOMMEND** to Full Council that it adopts the revised Privacy Policy.

9. EXTERNAL AUDIT CERTIFICATE

To note the external audit certificate.

Noted.

10. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 9th November 2026 at 6.30pm in the Guildhall.

Noted.

*The Committee **RESOLVED** to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

11. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations for September (financial).

These were reviewed and **AGREED** unanimously.

12. BIRDWOOD HOUSE REPORT

To consider a report on works required at Birdwood House (financial).

It was **AGREED** to accept the quote for preparing the specification of works and the Listed Buildings Consent application.

13. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors (staffing).

Noted.

The meeting closed at 7.00pm

C Bewley
Finance and HR Manager
12th October 2026

DISCIPLINE POLICY & PROCEDURES

TOTNES TOWN COUNCIL
November 2026

1. Introduction

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence.

2. General Principles

The procedure is not a substitute for good management practices and should only be invoked when initial attempts to improve conduct have been made following discussions between the employee and their manager. However, where there has been gross misconduct or a serious breach of disciplinary rules, the formal procedure should be actioned immediately.

No disciplinary action will be taken against an employee until the circumstances have been fully investigated.

The employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case at the appropriate stage.

The employee has the right to be represented at disciplinary hearings and appeals.

In all instances of alleged misconduct, the employee will be given at least 5 working days' notice of the requirement to attend a hearing or appeal. Should the employee fail to attend without an acceptable reason, then the Chair of the hearing or appeal may proceed in the employee's absence.

Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the Council of the offence, and any explanation presented by the employee.

Employees have the right to appeal against any disciplinary warnings and dismissal.
It is important that employees read and understand this document. If employees are not sure about any part of it, they should ask their line manager, who will provide the necessary clarification.

3. Roles and Responsibilities

It is advisable to determine the roles and responsibilities of those potentially involved in the disciplinary procedure at the earliest opportunity so that those roles are not compromised.

3.1 Line Manager

The Line Manager is normally responsible for considering minor disciplinary issues and resolving them, if they can, without recourse to the formal procedure. The Line Manager could also be the Town Clerk.

Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the Town Clerk.

3.2 Town Clerk

The Town Clerk is normally responsible for managing the formal disciplinary procedure including appointing an appropriate Investigating Officer. Alternatively, they may appoint another individual to manage the process, if required.

3.3 Personnel Sub-Committee

A Personnel Sub-Committee consisting of three members of the Council Matters Committee is normally responsible for managing the disciplinary process and appointing an appropriate Investigating Officer for misconduct which relates to the Town Clerk. ~~The Personnel Sub-Committee will appoint a Chairman from one of its members and the Investigator will not sit on the Sub-Committee.~~

3.4 Investigating Officer

The Investigating Officer is responsible for collecting evidence and gathering all documentation in relation to the allegation. The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case. Where appropriate, an external investigating officer may be used. The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure.

3.5 Hearing Panel

The Panel for a hearing will normally comprise of the Town Clerk ~~and the Personnel Sub-Committee~~.
For matters concerning the Town Clerk then the panel would normally comprise of the Personnel Sub-Committee. The responsibilities and objective of the panel is set out in section 6.5.

The panel members hearing a case should not have been involved in the investigation beforehand. The panel must not include the Investigating Officer. An independent HR representative can be called upon to advise the panel, if appropriate.

3.6 Appeal Panel
The Appeal Panel will normally comprise of three members of the Council Matters Committee. The responsibilities and objective of the appeal panel is set out in section 7.2.

The appeal panel members should not have had any previous involvement in the matter. An independent HR representative can be called upon to advise the panel, if appropriate.

3.7 Note Taker
During each stage of the disciplinary procedure, it is recommended that a note taker is present to capture the context of the meetings.

3.8 Authorisation to Issue Sanctions

Outcome	**Who is authorised to issue sanction**
Oral Warning	Town Clerk
First Written Warning	Town Clerk (or the Personnel Sub-Committee, in relation to matters concerning the Town Clerk)
Final Written Warning	Town Clerk (or the Personnel Sub-Committee, in relation to matters concerning the Town Clerk)
Dismissal with notice	Town Clerk (or the Personnel Sub-Committee, in relation to matters concerning the Town Clerk)
Dismissal without notice	Town Clerk (or the Personnel Sub-Committee, in relation to matters concerning the Town Clerk)

In exceptional circumstances, such as the absence of the Clerk or where the Clerk is involved in the disciplinary process, it may be appropriate for the Personnel Sub-Committee to be given delegated authority to issue any level of sanction required.

4. Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure.

Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer explaining their case.

Employees do not have an automatic right to be accompanied by a representative at the informal stage; any such accompaniment is at the discretion of the employer.

5. Informal Procedure

5.1 Informal Advice and Guidance
Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Town Clerk will advise the employee concerned of the conduct

and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct.

The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers should make a note of such informal advice and guidance and should set out in writing to the employee the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee's personal files.

6. The Formal Procedure

The formal procedure will apply when:

- Previous informal advice or warnings have proved ineffective; or
- The allegation is of a serious nature; or
- A number of minor allegations are made which taken together could constitute a serious breach of discipline.

6.1 Suspension

In some circumstances, the Town Clerk (or the Personnel Sub-Committee, in relation to matters concerning the Town Clerk) may consider suspension with pay, pending further investigation or until the disciplinary hearing takes place. Suspension may be appropriate where:

- Cases potentially involve gross misconduct;
- Relationships have broken down; or
- There is a risk to the employer's property or to other people.

An employee should be advised that suspension in itself does not constitute disciplinary action.

An employee should be advised of the reasons for suspension in writing. The period of suspension should not normally last for more than 20 working days. However, this period can be extended where necessary.

The decision regarding whether or not suspension is necessary can be reviewed at any time during the disciplinary process.

6.2 Determing roles and responsibilities

Ahead of any investigation commencing, it is advisable to determine the roles and responsibilities of those involved. This would normally include:

- Appointing an investigating officer
- Appointing the person / panel who would hear the disciplinary if later required.
- Appointing the panel / panel who would hear the appeal, if later required.

Further guidance regarding roles and responsibilities is set out in section 3.

6.3 Investigation

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place.

The responsibilities of the Investigating Officer are to collect evidence by interviewing any relevant witnesses and gathering all documentation. An Investigatory Interview will normally be held with the employee concerned. The purpose of the interview is to gather the employee's initial response to the allegations and to identify whether any further investigation is needed.

For the benefit of the employee and the Council, any investigation must be concluded within a reasonable timescale. If there is a delay in completing the investigation, it is the responsibility of the Investigating Officer to regularly update the employee or their representatives on the progress of the investigation.

Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Town Clerk (or Personnel Sub-Committee) recommending one of the following:

- Take no further action and inform the employee accordingly;
- Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
- Arrange a disciplinary hearing.

6.4 Arranging a Hearing

If, following the recommendations of the Investigating Officer, the Town Clerk concludes that a hearing is required then the necessary arrangements should be made by the Town Clerk.

The employee will be given at least 5 working days' notice in writing. The letter to the employee should include a clear written statement of the allegation, state the potential outcome of the hearing and a reminder of the employee's right to be represented. Enclosed with the letter should also be the investigation pack which would normally include a copy of the investigation report, supporting appendices and the relevant policy.

The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that they rely upon to attend the hearing.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Hearing Chair at least 3 working days prior to the hearing.

6.5 Conducting a hearing

The objective of the Hearing panel is:

- To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and
- If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

1. Introduction of the Panel members and outline of their roles;
2. Statement of the purpose of the hearing and the allegation(s);
3. Presentation of the case by the Investigating Officer with witnesses called as necessary;
4. Questions by employee or their representative;
5. Questions by the Panel;
6. Presentation of the case by the employee or their representative with witnesses called as necessary;
7. Questions from Investigating Officer;
8. Questions from Panel;
9. Concluding statement by Investigating Officer;
10. Concluding statement by employee or their representative;
11. Adjournment of the Panel to make their decision;
12. The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their rights of appeal.

Requests for an adjournment can be made at any stage and it is up to the Chair to decide whether or not a request should be granted.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

- The Panel's decision;
- The length of time that any warning will be active for;
- The expected improvement in conduct;
- Any assistance that will be provided to achieve this; and
- The employee's right to appeal.

6.6 Levels of Disciplinary Action

In determining the appropriate disciplinary action, regard should be given to the employee's previous record, the gravity of the offence, and any explanation given.

Although the procedure implies a sequential approach, there may be certain circumstances where the matter needs to be considered immediately under Stages 2, 3, or 4.

Stage	Outcome	Description
Stage 1	Oral Warning	For a minor offence, a formal verbal warning (confirmed in writing) making it clear that further misconduct will render the employee liable to further disciplinary action including more severe consequences.
Stage 2	First Written Warning	For a more serious offence or where a previous warning to the employee has not resulted in the required improvement to their conduct.
Stage 3	Final Written Warning	For a sufficiently serious offence, which might warrant only one written warning but is insufficiently serious to justify dismissal, or where previous warnings have been ineffective.

Stage 4	Dismissal with notice	For an act or acts of misconduct, other than gross misconduct, by an employee who is under a written or final written warning. The employee will be liable to dismissal with notice or pay in lieu of notice.
	Dismissal without notice	In cases where gross misconduct is established, the employee will be liable to summary dismissal, i.e. without notice or pay in lieu of notice.

6.7 Length of Warnings

Records of informal meetings and formal warnings will be kept on employee's personal files. An oral warning will be live for 6 months, written warnings for 12 months and final written warnings will be live for 2 years from the date of the disciplinary hearing..

7. The Right of Appeal

An employee has the right to appeal against disciplinary action resulting in a warning or their dismissal. Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

An employee who wishes to appeal must do so in writing to the Town Clerk (or Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk). This must be done within 10 working days of the disciplinary hearing informing them of the disciplinary action taken. The appeal letter must set out the grounds for the appeal, normally under one of the following headings:

- The severity of the disciplinary action;
- The findings of the Panel on a point of fact which is pertinent to the decision of the hearing; and
- A failure to adhere to the disciplinary procedure.

7.1 Arranging an Appeal

The date and time of the appeal will be organised by the Town Clerk (or Chair of the Council Matters Committee, in relation to matters concerning the Town Clerk). It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

The Chair of the original Panel and the employee or their representative will, where possible, agree papers for submission to the appeal 5 days prior to the hearing.

7.2 Conducting an Appeal Hearing

The objective is:

- To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and
- If the action is not warranted, to determine what action if any is appropriate;

In doing so, the Appeal Panel will have regard to seriousness of the offence and any previous relevant disciplinary history.

The procedure to be followed is:

1. Presentation of the case by the Manager (the Chair of the previous hearing) who took the disciplinary action;
2. Questions by the appellant to the Manager;
3. Presentation of the appellant's case, including calling any witnesses;
4. Questions by the Manager to the appellant and their witnesses;
5. Questions by the Appeals Panel to both parties and their witnesses;
6. Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
7. Adjournment of the Panel to make their decision;
8. The appeal is reconvened if possible and both parties are informed of the decision;
9. Written confirmation of the Appeals Panel's decision within 5 working days of the hearing.

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

8. Trade Union Officials

In normal circumstances, no action will be taken against an officer of a recognised trade union until the matter has been discussed with a full-time officer of that union.

9. Disciplinary Rules

It is difficult to define all the acts of misconduct that might lead to disciplinary action. As a general principle, a test of reasonableness would be applied, i.e. would a reasonable person be aware that disciplinary action would result from a certain act or omission?

The following are examples of the types of conduct that are unacceptable and might lead to disciplinary action. The list is not exhaustive and other behaviour not listed may lead to disciplinary action.

- Poor time-keeping/ attendance;
- Unjustifiable absence from work;
- Waste, loss or damage of Council property through failure to take due care;
- Negligence or failure in performance of duty;
- Inappropriate or unauthorised use of e-mail, IT, or telephone facilities; or
- Being under the influence of alcohol or drugs.

9.1 Types of Gross Misconduct

Unacceptable conduct, which may be regarded as gross misconduct, is likely to lead to an employee's summary dismissal. This means dismissal without notice and occurs when the employment relationship between the Council and employee, and the trust which is inherent in that, is irrevocably broken.

The list below gives examples of matters likely to be regarded as gross misconduct and is not exhaustive.

- Refusing to follow reasonable management instructions;

- Theft from the Council, its Members, employees, or the public;
- Physical assault or verbal abuse;
- Fraud or deliberate falsification of records;
- Covert recording;
- Falsification of qualifications;
- Serious negligence which causes unacceptable loss, injury, or damage;
- Serious acts of insubordination;
- Serious breach of confidence;
- Use of privileged information for personal gain;
- Malicious damage to the Council's property;
- Sexual misconduct at work;
- Discrimination, victimisation, or harassment;
- Serious breaches of safety rules;
- Serious incapability through alcohol or drugs;
- Accessing or distributing pornography on the Council's IT facilities.

10. Training

Appropriate training will be given to the Town Clerk or any Members who might be involved in disciplinary or appeals meetings to ensure that they fulfil their responsibilities under this procedure.

Disciplinary procedure flow chart

Informal procedure (section 5)

- For minor breaches of acceptable/established standards of conduct.

The Town Clerk will advise the employee concerned of the conduct and the standard expected in the future.

The Town Clerk should follow up the conversation with a letter ('management instruction') to the employee setting out the informal advice/guidance and the required improvements and standards of conduct that are expected in the future.

A copy of this letter ('management instruction') should be kept on the employee's personnel file.

Formal procedure (section 6)

- Where previous informal advice or warnings have proved ineffective; or
- The allegation is of a serious nature or;
- A number of minor allegations are made which taken together could constitute a serious breach of discipline.

Ahead of any investigation commencing, the roles and responsibilities for those potentially involved in the disciplinary process should be determined. (Section 3)

Step 1 – Investigation (section 6.3)

The nominated Investigating Officer will collect evidence by interviewing any relevant parties and gathering all documentation/evidence.

The Investigating Officer will produce an Investigation Report which will set all the relevant facts.

The Investigating Officer will send their completed Investigation Report including appendices to the individual nominated to manage the investigation process, who will review the information and decide whether to progress to a hearing.

If the decision has been made that a hearing is required, then the Town Clerk (or alternative nominated individual(s)) will make the necessary arrangements.

If the decision has been made that a hearing is not required, then the Town Clerk (or alternative nominated individual(s)) will notify the employee.

Step 2 – Hearing (section 6.4 & 6.5)

The Town Clerk (or alternative nominated individual(s)) will send a letter to the employee, inviting them to the disciplinary hearing with at least 5 working days' notice. This will include a clear statement of the allegation(s), details of the potential outcome and a reminder of the employee's right to be represented. A copy of the Investigation Pack should also be enclosed.

The objective of the hearing is:

- To hear the evidence in respect of the allegation and the employee's response;
- To decide whether or not the allegation is substantiated; and
- If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

Following the hearing, the decision of the Panel will be confirmed to the employee in writing within 5 working days. This letter will also inform the employee of their right of appeal and identify to whom any appeal letter should be addressed.

Step 3 – Appeal (section 7)

An employee who wishes to appeal must do so in writing to the person nominated in the disciplinary outcome letter, within 10 working days of the notification of the outcome of the disciplinary hearing. The appeal letter must set out the grounds of the appeal.

The appeal hearing will be organised by the nominated person. The employee should be given at least 5 working days' notice in writing of the appeal hearing. The employee must submit any additional papers/evidence to the Chair of the Appeal Panel no later than 5 days prior to the hearing. Papers will be prepared and sent to all parties.

The objective of the appeal hearing is:

- To review the grounds of the appeal in order to determine if the outcome of the hearing was correct; and
- If the decision is overturned, to determine what action is appropriate.

The decision of the Appeal Panel will be confirmed to the employee in writing within 5 working days.

There is no further right of appeal.

GRIEVANCE POLICY

TOTNES TOWN COUNCIL
November 2026

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.

This policy and the following procedure will be the subject of periodic review. Responsibility for conducting this review will rest with the Town Clerk.

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 Totnes 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 Monitoring Officer at South Hams District Council rather than being addressed via the formal stages of this Grievance Procedure. As a matter of courtesy the Town Clerk and the Chairman of the Council should be informed if the matter has been raised with the Monitoring Officer at South Hams District Council.

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 Monitoring Officer at South Hams District Council.

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.
- 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 Council Matters Committee to explain their grievance and ask them to assist in resolving it.
- Mediation (see below).

Where the employee approaches their line manager, the Town Clerk or the Chair of the Council Matters 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 Council Matters Committee as in Section 5 below.

3.4.2 Investigation

If it is decided that an investigation is needed, then the Town Clerk will appoint an appropriate investigator. This may be the Town Clerk, another manager or someone external to the Town Council.

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 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 Personnel SUB-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 shall 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

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 Council 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 Council as above.

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~~.

Representatives have the right to put forward the employees' case, confer with the employee, respond on their behalf to any view expressed and to sum up the worker's case. However, they have no right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer explaining their case.

Grievance procedure flow chart

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

