



## **Tilshead Parish Council Grievance and Discipline Policy**

### **INTRODUCTION**

1. These procedures apply to staff employed by Tilshead Parish Council and are designed to help Council employees improve unsatisfactory conduct and performance in their job.
  
2. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below. All procedures will be applied fairly, consistently and in accordance with the Equality Act 2010 and in accordance with 2015 ACAS Code of Practice <http://www.acas.org.uk/CHttpHandler.ashx?id=1047&p=0>. This policy also takes account of the ACAS guide on discipline and grievances at work <http://www.acas.org.uk/media/pdf/b/l/Discipline-and-grievances-Acas-guide.pdf>

### **DISCIPLINARY PROCEDURE**

#### **Main Principles**

1. The Council's aim is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken when the Council's rules or acceptable standards are breached.
2. This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
3. At every stage the employee will be advised of the nature of the complaint, be given the opportunity to state their case, and be represented or accompanied by a person of their choice.
4. The employee will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
5. The employee has a right to appeal against any disciplinary action taken against them.
6. The procedure may be implemented at any stage of their alleged misconduct warrants such action.
7. If they request, the employee has the right to be accompanied at a disciplinary hearing by a chosen person.

#### **Informal Discussions**

1. Before taking formal disciplinary action, the Council will make every effort to resolve the matter by informal discussions with the employee. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

#### **Oral warning**

2. An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:
  - of the reason for the warning, the improvement required (if appropriate) and the time period for improvement

- that further misconduct/failure to improve will result in more serious disciplinary action
- of the right to appeal
- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

### **First Written Warning**

1. If conduct or performance is unsatisfactory following an oral warning, the employee will be given a written warning or performance note. Such warnings will be recorded but removed from the employees work record after twelve further months of satisfactory service.
2. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change within 6 months. (Where a matter is sufficiently serious – for example because it is having, or is likely to have, a serious harmful effect on the Council, it may be considered necessary to move directly to a final written warning.)

### **Final Written Warning**

1. If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement or change results within six months, the employee may be subject to dismissal. Unless dismissal involves gross misconduct, employees will receive a period of notice, or payment in lieu.

## **Discipline**

### **Discipline and Dismissal Procedure**

1. If facing dismissal or action short of dismissal such as loss of pay or demotion - the following minimum statutory procedure will be followed:
2. The employee will receive a written note setting out the allegation of misconduct and the basis for it.
3. A meeting will be held to consider and discuss the allegation (involving a minimum of 3 Council Members).
4. The employee will be given a right of appeal, including an appeal meeting.
5. The employee will be reminded of their right to be accompanied at any meetings.

## **Misconduct**

1. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:
  - unauthorised absence
  - poor timekeeping
  - misuse of the Council's resources and facilities including telephone, email and internet
  - inappropriate behavior
  - refusal to follow reasonable instructions
  - breach of health and safety rules.

## **Gross Misconduct**

1. If after investigation, it is confirmed that the employee has committed an offence of the following nature of gross misconduct (the list is not exhaustive) the normal consequence will be dismissal without notice or payment in lieu of notice – theft, damage to property, fraud,

incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

2. Whilst alleged gross misconduct is being investigated, the employee may be suspended, during which time they will be paid their normal rate of pay. Any decision to dismiss them will be taken by the Council only after full investigation.

### **Appeals**

1. If the employee wishes to appeal against any disciplinary decision, they must appeal, in writing, within five working days of the decision being communicated to them by the Council. 3 further Independent members who were not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.
2. Where appropriate, the opportunity for mediation will be put forward at any stage of a disciplinary procedure.

## **GRIEVANCE PROCEDURE**

### **Introduction**

1. It is the Council's policy to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible.

### **Informal discussions**

1. If the employee has a grievance about their employment they should communicate this either verbally or in writing to the Council. In the case of the Clerk to the Council the line manager will be the Chair of the Council unless the complaint is about the Chair in which case another member can be identified to handle the clerks concerns (which in the first instance will be the Vice-Chair). It is hoped that the majority of concerns will be resolved at this stage.

### **Grievance procedure**

1. If the employee feels that the matter has not been resolved through informal discussions, they may raise the matter formally with the Council.
2. The employee will be invited to attend a meeting to discuss the grievance and be notified in writing of the decision. The meeting will involve at a minimum 3 members of the Council. They have the right to be accompanied by a chosen person at all grievance meetings.
3. The employee will be given the right to appeal against the decision.
4. The Council Shall within 10 days acknowledges the grievance brought to their attention by the employee, the employee will be asked, in writing, to attend a grievance meeting. The Council's letter will include the following:
  - the names of the nominated Chairman and other 2 members
  - a summary of the employee's grievance based on his/her written submission
  - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Council received the grievance

## **The grievance meeting**

1. At the grievance meeting:
  - the 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 what action do they want 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
  - the Chairman will provide the employee with the sub-committee's decision, in writing, 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
  - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

## **Appeals**

1. Any appeal will be considered by 3 members of the Council who were not involved in the original hearing, and who will decide the case as impartially as possible. Where appropriate, the opportunity for mediation will be put forward at any stage of a grievance procedure.
2. Appeals may be raised on a number of grounds, e.g.:
  - a failure by the Council to follow its grievance policy
  - the decision was not supported by the evidence
  - the action proposed by the sub-committee was inadequate/inappropriate
  - new evidence has come to light since the grievance meeting.
3. The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a chosen person.
4. 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 original sub-committee
  - explain the action that the appeal panel may take.
5. The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.

6. 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.
7. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
8. The decision of the appeal panel is final.