



Stanton under Bardon Parish Council

## DOCUMENT CONTROL

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## Disciplinary and Grievance Policy & Procedures

### INTRODUCTION

1. This policy applies to staff employed by Stanton under Bardon Parish Council and is designed to help Council employees improve unsatisfactory conduct and performance in their job.
2. Wherever possible, Stanton under Bardon Parish Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
3. All procedures will be applied fairly, consistently and in accordance with the Equality Act 2010.

### DISCIPLINARY PROCEDURES

#### 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 fellow employee 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 fellow worker or trade union official.

### 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.

### First Warning

1. If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded but removed from the employees work record after six 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 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 and the basis for it
3. A meeting will be held to consider and discuss the allegation
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.

### Gross Misconduct

1. If after investigation, it is confirmed that the employee has committed an offence of the following nature (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. 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 PROCEDURES**

### **INTRODUCTION**

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

Most grievances can be resolved quickly and informally through communication, either verbally or in writing, with the Clerk to the Council or, in the event of the Clerk to the Council having a grievance, with a member of the Council (other than the Chairman of the Council). It is hoped that the majority of concerns will be resolved at this stage. If this does not resolve the problem, you should initiate the formal procedure set out below. This procedure applies to all employees regardless of length of service.

### **STEP 1: Written Grievance**

You should put your grievance in writing and submit it to the Clerk to the Council or a member of the Council other than the Chairman of the Council.

The written grievance should set out the nature of the complaint, including any relevant facts, dates and names of individuals involved so that we can investigate it.

### **STEP 2: Meeting**

A grievance meeting will be organised, normally within one week of receiving the written grievance. The person submitting the grievance should make every effort to attend.

The person submitting the grievance may bring a companion to the grievance meeting if they make a reasonable request in advance and inform organisers of the chosen companion. The companion may be either a trade union representative or a colleague.

If the person submitting the grievance cannot attend at the time specified, within reason an alternative time will be arranged.

The meeting may be adjourned if further investigation is required, after which the meeting will usually be reconvened.

The person submitting the grievance will be contacted, usually within one week of the last grievance meeting, to confirm the decision and notify of any further action that is intended to resolve the grievance. We will also advise the person submitting the grievance about their right of appeal.

### **STEP 3: Appeals**

If the grievance has not been resolved to the satisfaction of the person submitting the grievance, they may appeal in writing to the Chairman of the Council, stating the full grounds of appeal, within one week of the date on which the decision was sent.

An appeal meeting will then be held, normally within two weeks of receiving the appeal. This will be dealt with impartially by the Chairman of the Council who has not previously been involved in the case. The person submitting the grievance will have a right to bring a companion.

A final decision will be confirmed in writing, usually within one week of the appeal hearing. There is no further right of appeal.