

## **Barnwell Parish Council**

### **Grievance and Disciplinary Policy**

Barnwell Parish Council's aim is to encourage fairness and development in its staff and their performance, without reference to gender, age, nationality, religion, sexual orientation or any other basis or discrimination.

This document describes the procedures which aim to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status. This policy complies with the 2015 ACAS Code of Practice (1).

#### **Grievance Procedure**

The procedure is designed to establish the facts quickly and to deal consistently with grievance issues. No action will be taken until the matter has been fully investigated. At each stage the parties involved will be informed in writing of what is alleged and will have the opportunity to state their case at an investigatory meeting. They may be represented or accompanied, if they wish, by a trade union representative, friend or work colleague. A party to the dispute has the right to appeal against any decision.

##### **The procedure**

An employee who wishes to raise a grievance should notify the chairman and/or vice chairman of the council. The chairman and/or vice chairman of the council shall seek to resolve the matter informally in the first instance.

If an informal resolution is not possible or is not effective than a tribunal consisting of the chairman or vice chairman and two other councillors shall conduct a full investigation into the occurrence. The tribunal shall give written notice of its findings and decisions to all parties. The tribunal shall also report to the council at its next meeting having first excluded members of the public and press.

#### **Appeals**

An employee who wishes to appeal against a decision must do so to the chairman or vice chairman of the council within five working days. The employer will hear the appeal and decide the case as impartially as possible. If, after the appeals procedure, the matter is still not satisfactorily resolved, the services of ACAS shall be utilised to provide a neutral and professional review.

#### **Disciplinary Procedure**

The 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. At each stage employees will be informed in writing of what is alleged and will have the opportunity to state their case at a disciplinary meeting. They may be represented or accompanied, if they wish, by a trade union representative, friend or work colleague. A party to the dispute has the right to appeal against any disciplinary decision.

##### **The procedure**

Any councillor becoming aware of potentially unsatisfactory performance should notify the chairman and/or vice chairman of the council. The chairman and/or vice chairman of the council shall seek to resolve the matter informally in the first instance. If informal resolution is not possible or is not effective than the chairman and/or vice chairman may move to Stage 1 of the formal procedure. Any such action shall be reported to the council at its next meeting having first excluded members of the public and press.

##### **Stage 1 – first warning**

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 12 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change

(where the first offence is sufficiently serious, for example because it is having, or is likely to have a serious harmful effect on the organisation, it may be justified to move directly to a final written warning).

### **Stage 2 – final written warning**

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 results within 2 months, action at Stage 3 will be taken.

### **Stage 3 – dismissal or action short of dismissal**

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

### **Gross Misconduct**

If, after investigation, it is confirmed that an 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 of property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time they will be paid their normal pay rate. Any decisions to dismiss will be taken by the employer only after full investigation.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to the chairman or vice chairman of the council within five working days. The employer will hear the appeal and decide the case as impartially as possible.

Signed (Chair):

Date: 18.11.2020

Date for next review: November 2021