

Drayton St Leonard Parish Council

Disciplinary and Grievance Procedures

All disciplinary and grievance procedures should follow the latest advice contained in Advisory Conciliation and Arbitration Service (ACAS) Publication: Code of Practice on Disciplinary and Grievance Procedures.

Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for six months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final

written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (e.g. six months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the Chairman but will be disregarded for disciplinary purposes after six months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as disciplinary suspension (as allowed in the contract of employment). Dismissal decisions can only be taken by the Council as a whole, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal. If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the Chairman but will be disregarded for disciplinary purposes after six months subject to achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the Council's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the Council into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. An appointed Councillor will hear the appeal and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

Grievance Procedure

Dealing with grievances informally

If an employee has a grievance or complaint to do with their work or the people they work with they should, wherever possible, start by talking it over with the Chairman. It may be able possible to agree a solution informally.

Formal grievance

If the matter is serious and the employee wishes to raise the matter formally the employee should set out the grievance in writing to the Chairman. Stick to the facts and avoid language that is insulting or abusive. Where the grievance is against the Chairman the employee should speak to another councillor.

Grievance hearing

The Chairman will call a meeting, normally within five days, to discuss the grievance. The employee has the right to be accompanied by a colleague or trade union representative. After the meeting the Chairman will give the employee a decision in writing, normally within 24 hours.

Appeal

If the employee is unhappy with the decision and wishes to appeal, they should let the Chairman know. The employee will be invited to an appeal meeting, normally within five days, and the appeal heard by another councillor. The employee has the right to be accompanied by a colleague or trade union representative at this meeting. After the meeting the councillor will give the employee a decision, normally within 24 hours. That decision is final.