

DRAFT VERSION 1 – 18 January 2019

GRIEVANCE & DISCIPLINARY POLICY AND PROCEDURES

It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they have.

Likewise, it is the policy of the Council to maintain effective and proper standards of employee behaviour.

Good and timely communication between employer and employee is important in resolving issues of misunderstanding or contention before they become the subject of a grievance or disciplinary discussion.

Where appropriate, the opportunity for mediation will be put forward at any stage of a disciplinary procedure.

All staffing grievance and disciplinary issues will be discussed in private session. In the first instance, the only Councillors given knowledge of the issue will be those Councillors attending the grievance or disciplinary meeting. All other Councillors should only be made aware that there is a process underway; they should avoid becoming involved at this stage as they may be needed in the case of appeal.

GRIEVANCE PROCEDURE

Grievances may be any concerns, problems or complaints employees wish to raise with the Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008. This procedure applies to all employees of the Council.

Excluded from this procedure are:

- a) income tax, national insurance matters, rates of pay collectively agreed at the national or local level rules of pension schemes;
- b) a grievance about a matter over which the council has no control; and
- c) appeals against disciplinary actions. (However, if as the result of a disciplinary hearing an employee decides to bring a grievance about the conduct of any person handling the disciplinary matter, they are entitled to use the grievance procedure to do so.)

The Chairman of the Council should lead this process unless s/he is implicated in the grievance, in which case the employee should contact another councillor.

Informal Stage:

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Chairman of the Council with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or s/he wishes to pursue a formal grievance they should follow the procedure detailed below.

Formal Stages:

1. The employee must set out his/her grievance in writing (Statement of Grievance) and provide a copy to the Chairman of the Council.

2. Once the Council has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter. The panel will consist of three Councillors and may or may not include the Chairman.
 - a) The employee must take all reasonable steps to attend the meeting.
 - b) The meeting will normally be convened within 14 days of the Council receiving the Statement of Grievance
 - c) The employee has the right to be accompanied by a companion.
 - d) If the meeting is inconvenient for either the employee or his/her companion, the employee has the right to postpone the meeting by up to five working days.
3. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to allow the panel to consider the decision.
4. After the meeting, the employee will be informed of the decision within five working days. The decision will be confirmed in writing.
5. If the employee wishes to appeal against the Council's decision, s/he must inform the Council within five working days of receiving the decision.
6. If the employee notifies the Council that they wish to appeal, the employee will be invited to attend an appeal meeting with three other members of the Council. The employee must take all reasonable steps to attend that meeting, and has the right to be accompanied by a companion.
7. An appeal meeting will normally be convened within seven working days of the Council receiving notice that the employee wishes to appeal. If the meeting time is inconvenient for the employee or his/her companion, the employee may ask to postpone the meeting by up to five working days.
8. After the appeal meeting, the employee will be informed of the Council's final decision within five working days. The decision will be confirmed in writing.
9. A copy of the statement of grievance, a note of the decision taken and any notice of appeal will be placed on the employee's personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

DISCIPLINARY PROCEDURE

This procedure sets out the action which will be taken when the Council's rules or acceptable standards are breached. It is designed to establish the facts quickly and to deal consistently with disciplinary issues.

1. Principles:

At every stage the employee will be advised of the nature of the complaint, be given the opportunity to state his/her case, and be represented or accompanied by a fellow employee or trade union official of his/her choice.

The procedure may be implemented at any stage if the alleged misconduct warrants such action. No disciplinary action will be taken until the matter has been fully investigated. 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.

The employee has a right to appeal against any disciplinary action taken against him/her.

2. Informal discussions

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.

3. First warning

If conduct or performance is unsatisfactory then the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after six further 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 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.

4. 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 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.

5. Discipline and dismissal procedure

If facing dismissal, or action short of dismissal such as loss of pay or demotion, then the following minimum statutory procedure will be followed:

- The employee will receive a written note setting out the allegation and the basis for it.
- A meeting will be held to consider and discuss the allegation.
- The employee will be given a right of appeal, including an appeal meeting, and will be reminded of his/her right to be accompanied at any meetings.

6. Gross misconduct

Gross misconduct includes, but is not limited to, theft; damage to property; fraud; incapacity for work due to being under the influence of alcohol or illegal drugs; physical violence; bullying; gross insubordination.

If after investigation it is confirmed that the employee has committed an offence of gross misconduct then the normal consequence will be dismissal without notice or payment in lieu of notice.

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

7. Appeals

If the employee wishes to appeal against a disciplinary decision then s/he must appeal in writing within five working days of the decision being communicated by the Council. Councillors who were not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.