

SHRIVENHAM PARISH COUNCIL

GRIEVANCE AND DISCIPLINE POLICY AND PROCEDURE

Date	Version	Reviewed By	Date Adopted	Next Review
June 24	0.1 draft	J Evans (created)		
Sept 24	1	R Sheldon	4/9/24	Sept 26

1. INTRODUCTION

Disciplinary rules and procedures are designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance.

The disciplinary rules and procedures that follow are applicable to all employees and take into account the ACAS Code of Practice on Disciplinary and Grievance procedures. The Council's disciplinary procedure does not form part of the contract of employment and the Council is under no contractual obligation to follow it.

The disciplinary and appeals procedure will not, however, apply to employees during their probationary period. During this period the Council may apply the procedure at its absolute discretion, however employees may not be dismissed without first having a formal meeting at which they will be given the opportunity of giving an explanation for their conduct or performance.

2. INFORMAL GRIEVANCES

If a member of staff is unhappy with an element of their employment with the Council, they should initially discuss the matter with the Clerk or the Chair of the Personnel Committee on an informal basis.

If a member of staff is uncomfortable about talking to the Clerk or Chair of the Personnel Committee, they should approach the Vice-Chair of the Council.

1.1 Employee Conduct / Performance

Should the Council be unhappy with either an Employee's conduct or performance, they will initially discuss their concerns with that Employee on an informal basis.

The purpose of the meeting will be to provide guidance and support to address the problem. For this reason, notes will be taken during this meeting, and all present will be asked to sign the notes.

Members of the Personnel Committee and the Employee will attend this meeting. There will be no entitlement to be accompanied.

I. Mediation

In the event that an Employee is unhappy with the outcome of the Informal Grievance Procedure, or either party do not feel that performance / conduct issues are being addressed effectively, either the Employee or the Personnel Committee will request that the matter be subjected to mediation.

This will involve the use of a third party Mediator. In its simplest form, Mediation will involve the Mediator talking to either party individually, to listen to their side of the issue. If the Mediator feels that a resolution to the problem is possible, a meeting will be arranged between all parties at which the Mediator will set out their assessment of the issues and invite both parties to reach their own resolution.

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The resultant action plan should have the agreement and support of both parties, be set out in writing and be signed by all involved in the Mediation process.

3. FORMAL GRIEVANCES

In the case of Grievances not being fully resolved at the informal stage, a formal written approach will be required. As a consequence, a formal Grievance Hearing will be held to address the matter, within twenty-eight days of receipt of the Employee's letter.

The Hearing will be conducted by a Panel of between two and three Elected Members who will be appointed by the Personnel Committee.

At this meeting Employees are entitled – and encouraged – to be accompanied by a work colleague from the Council or a Trade Union Representative. Employees will be informed in writing of the outcome of the meeting within seven days.

If the Employee making the grievance is unhappy with the response to the meeting, they can issue an appeal, in writing. This Appeal must be submitted within seven days of receiving the response to the original grievance meeting.

Please Note

Any Formal Grievance complaint, which concerns the conduct of a Councillor, will be addressed as a Code of Conduct complaint by the Council and will be referred to the District Council's Monitoring Officer. This Council will not address the Employee's Formal Grievance against an Elected Member. It will be addressed by the Monitoring Officer.

3.1 The Process

- a) Upon receipt of any complaint, the Council or appropriate Committee should conduct an informal investigatory meeting with the Employee to establish if there are any issues that can be addressed by the Council, or if it is solely concerned with the Code of Conduct. This should be arranged within seven days of receipt of the complaint.
- b) If there are non-Code related issues, such as work environment, or hours of work, the Council could conduct a Formal or Informal Grievance process to address those problems.
- c) However, Code of Conduct related complaints could be referred to the Monitoring Officer by the Council, in accordance with guidance from the Committee on Standards in Public Life's.
- d) The Council should keep the Employee fully informed of the progress of the complaint.

4. FORMAL DISCIPLINE (FOR EMPLOYEES WITH TWO YEARS OR MORE CONTINUOUS EMPLOYMENT)

If an issue regarding Employees conduct, behaviour or performance is not fully addressed by informal discussions, the Council will pursue the matter through its formal Disciplinary Procedure. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, poor conduct and behaviour at work, or lack of capability by an Employee to carry out their job.

This is a four-step procedure, which increases in the severity of its outcome if the issue is not resolved at the previous step. Each step involves a formal meeting between the affected Employee and a Disciplinary Panel, at which the Employee will be given every opportunity to put their side of the issue. Meetings will be conducted as soon as reasonably possible after the incident(s) which are being investigated to ensure that facts and witness statements are

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clear and up to date. At this meeting Employees are entitled - and encouraged - to be accompanied by a work colleague from the Council, or Trade Union/SLCC Representative.

If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council Management against the Employee:

STEP No	ACTION TAKEN	LIVE PERIOD	MANAGER RESPONSIBLE
1	Formal Oral Warning	Six months.	Disciplinary Panel
2	Formal Written Warning	Twelve months	Disciplinary Panel
3	Final Written Warning	Twelve months	Disciplinary Panel
4	Termination of Contract of Employment	N/A	Disciplinary Panel

Particularly severe acts of indiscipline may result in the Management bypassing Steps 1 and 2.

Employees will be informed by letter that they are required to attend a formal disciplinary meeting. This letter will include details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a work colleague from the Council, or Trade Union Representative if they hold such membership.

3.1 Gross Misconduct

Acts of Gross Misconduct, if proven after an appropriate investigation and a Disciplinary Hearing, will result in Dismissal without notice.

Employees accused of Gross Misconduct will be suspended on full pay and receive a written invitation to a Formal Disciplinary Hearing, giving them details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a work colleague from the Council or trade union/SLCC representative. The letter will provide a minimum of 2 working days prior notice to the meeting.

The Council recognises the following as acts of Gross Misconduct. (This is not an exhaustive list).

- 1 Theft.
- 2 Abusive or threatening behaviour of any nature.
- 3 Being under the influence of alcohol or drugs.
- 4 Dishonesty in dealings with Management.
- 5 Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
- 6 Breach of confidentiality.
- 7 Failing to carry out reasonable Management instructions.
- 8 Fighting and acts of aggression.
- 9 Deliberately damaging Council property.
- 10 Deliberate breaches of Council Health and Safety procedures.
- 11 Unauthorised access to Council computer files, software or any other such breach of confidentiality.

Employees who have been dismissed for acts of Gross Misconduct do have the right to Appeal against their dismissal. Appeals should be submitted within a reasonable timescale following the dismissal and addressed to the Chair of the Council. A reasonable timescale would normally be no longer than a week following the dismissal. Employees submitting an appeal must make it clear that they are appealing against the decision to dismiss them and set out the reasons for their appeal.

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Once the Council has received notice of the Employee's decision to Appeal, they will follow the Appeal Procedure detailed below.

I. Appeal Procedure

Employees have the right to Appeal against a decision made at any Formal Disciplinary step. Appeals should be made to the Chair of the Council in writing, and submitted within seven working days of the disciplinary meeting having occurred.

A Formal Appeal Hearing, involving the Employee and an Appeal Panel, will be held within fourteen days of receipt of the appeal request. At this meeting, Employees are entitled - and encouraged - to be accompanied by a work colleague from the Council or a Trade Union/SLCC representative.

The Employee making the appeal will be informed in writing of the outcome of the Appeal Hearing within seven days.