

# Smannell Parish Council

## Grievance and Disciplinary Procedures

This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status. Where appropriate, the opportunity for mediation will be put forward at any stage of a grievance or disciplinary procedure.

### 1. Grievance Procedures

#### *1. Introduction*

It is the Parish Council's policy to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible. The Grievance Procedure should not be used to complain about dismissal or disciplinary action.

#### *2. Informal discussions*

If you have a grievance about your employment you should communicate this either verbally or in writing to the Parish Council. It is hoped that the majority of concerns will be resolved at this stage.

#### *3. Grievance procedure*

If you feel that the matter has not been resolved through informal discussions, you may raise the matter formally with the Parish Council. You must apply in writing to the Chairman of the Parish Council stating the factual background and the grounds of your grievance. The Chairman shall report your application to a specially convened Grievance Panel of the Council. You will be invited to attend a meeting to discuss your grievance, held in private in the absence of members of the public. The grievance will then be considered and a decision reached by the Grievance Panel. The Grievance Panel may carry out further investigations and hold further grievance meetings before reaching a decision. You will be notified in writing of the decision.

#### *4. Appeals*

Should you be dissatisfied with the decision of the Grievance Panel, you shall have a right of appeal. Your appeal must be made in writing with 7 days of receipt of the decision to the Chairman of the Parish Council stating the grounds of the appeal. The Chairman shall report your appeal to a specially convened Appeals Panel of the Council, which shall comprise of council members.

You will be invited to a meeting with the Appeals Panel, held in private in absence of members of the public. The Appeals Panel will consider and reach a decision on your appeal, which will be communicated to you in writing. The decision of the Appeals Panel shall be an absolute final decision and you will have no further right of appeal.

#### *5. Right to be accompanied*

You have the right to be accompanied at all formal stages of the grievance procedure by a work colleague or trade union representative in accordance with section 10 of the Employment Relations Act 1999. The Parish Council may, at its discretion, allow you to bring a companion who is not a work colleague or union representative (for example a member of your family) if this will help overcome a disability.

### 2. Disciplinary Procedures

#### *1. Purpose of the Procedure*

The Parish 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. The Principles*

- ☐ 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.
- ☐ At every stage, you will be advised of the nature of the complaint and be given the opportunity to state your case. All meetings will be held in private, in absence of members of the public.
- ☐ You 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.
- ☐ You have a right to appeal against any disciplinary action taken against you.
- ☐ The procedure may be implemented at any stage if your alleged misconduct or poor performance warrants such action.
- ☐ You will have the right to be accompanied at any formal disciplinary hearing or appeal by a work colleague or trade union representative in accordance with section 10 of the Employment Relations

Act 1999. The Parish Council may, at its discretion, allow you to bring a companion who is not a work colleague or union representative (for example a member of your family) if this will help overcome a disability.

### *3. Informal discussions*

Unless an allegation may constitute gross misconduct or gross incompetence, then before taking formal disciplinary action, the Parish Council will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

### *4. Investigation*

Before instigating the formal procedure, you may be invited to an investigatory meeting and asked to comment on any allegations made against you or provide relevant information. No disciplinary action will be taken as a result of an investigatory meeting.

### *5. Formal Procedure*

If a decision is made to implement the formal procedure, you will be invited to attend a meeting with a Disciplinary Panel. You will receive written notification of the date and time and place of the meeting and a statement setting out details of the allegation(s) and copies of all statements or documents that the Parish Council will refer to at the meeting. At the meeting, you will be given an opportunity to answer questions from the Panel members and to state your response to the allegations. You will be invited to put forward any mitigating circumstances. The Disciplinary Panel will consider the facts and reach a decision which will be communicated to you in writing.

### *6. Disciplinary Sanctions*

If a decision to impose a disciplinary sanction is made, any of the following sanctions may be applied

#### *First warning*

If conduct or performance is unsatisfactory, you will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. You will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change and that dismissal may be considered in the event of serious misconduct or poor performance.

#### *Final written warning*

If the offence is serious and a first warning is not appropriate, or there is no improvement in standards following the issue of a first written warning, 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 12 months or a further disciplinary offence occurs within 12 months, you may be subject to dismissal.

#### *Dismissal*

In the event of a further disciplinary offence or poor performance occurring before the expiry of a written or final written warning, you may be subject to dismissal with notice.

#### *Gross misconduct*

If after investigation and a disciplinary meeting, it is decided that you have 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, unlawful discrimination, bribery, gross insubordination and gross incompetence.

Whilst alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal rate of pay.

### *7. Appeals*

If you wish to appeal against any disciplinary decision, you must appeal, in writing, to the Chairman of the Parish Council within 7 days of the decision being communicated to you, stating the grounds of your appeal. You will be invited to a meeting of an Appeals panel, comprising members of the Council who were not involved in the disciplinary sanction being appealed against. The Appeals Panel will consider and reach a decision on your appeal, which will be communicated to you in writing. The decision of the Appeals Panel shall be a final decision and you will have no further right of appeal.