

## **DISCIPLINARY PROCEDURE**

Whilst the Parish Council does not wish to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of all employees. The Parish Council prefers that discipline be voluntary and self-imposed and in the great majority of cases this is how it works. However, from time to time, it may be necessary for the Parish Council to take action towards individuals whose level of behaviour or performance is unacceptable.

This disciplinary procedure is entirely non-contractual and does not form part of an employee's contract of employment.

Minor faults will be dealt with informally through counselling and training. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance or where the matter is considered to be too serious to be classed as minor, for example, unauthorised absences, persistent poor timekeeping, sub-standard work performance, etc the following disciplinary procedure will be used. At all stages of the procedure, an investigation will be carried out.

The Parish Council will notify the employee in writing of the allegations against him or her and will invite the employee to a disciplinary hearing to discuss the matter. The Parish Council will provide sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case. This will include the provision of copies of written evidence, including witness statements, where appropriate.

Having given the employee reasonable time to prepare their case, a formal disciplinary hearing will then take place, conducted by members of the Parish Council, at which the employee will be given the chance to state his or her case, accompanied if requested by a trade union official, a trade union representative or a fellow employee of his or her choice. The employee must make every effort to attend the hearing. At the hearing, the employee will be allowed to set out their case and answer any allegations and will also be given a reasonable opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.

Following the hearing, the Parish Council will decide whether or not disciplinary action is justified and, if so, the employee will be informed in writing of the Parish Council's decision in accordance with the stages set out below and notified of his or her right to appeal against that decision. It should be noted that an employee's behaviour is not looked at in isolation but each incident of misconduct is regarded cumulatively with any previous occurrences.

### **Stage 1: Written warning**

The employee will be given a formal WRITTEN WARNING. He or she will be advised of the reason for the warning, how they need to improve their conduct or performance, the timescale over which the improvement is to be achieved, that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be recorded but nullified after six months, subject to satisfactory conduct and performance.

## **Stage 2: Final written warning**

Failure to improve performance in response to the procedure so far, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a FINAL WRITTEN WARNING being issued. This will set out the nature of the misconduct or poor performance, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved and warn that dismissal will probably result if the terms of the warning are not complied with. This final written warning will be recorded but nullified after twelve months, subject to satisfactory conduct and performance.

## **Stage 3: Dismissal**

Failure to meet the requirements set out in the final written warning will normally lead to DISMISSAL with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. The employee will be informed of the reasons for dismissal, the appropriate period of notice, and the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

## **Gross misconduct**

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, the Parish Council reserves the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct include:

- Theft, fraud, unauthorised possession of Parish Council property, deliberate falsification of records or any other form of dishonesty.
- Wilfully causing harm or injury to another employee, physical violence, bullying or grossly offensive behaviour.
- Deliberately causing damage to the Parish Council's property.
- Causing loss, damage or injury through serious carelessness or gross negligence.
- Extremely serious insubordination.
- Serious incapacity at work through an excess of alcohol or drugs.
- A serious breach of health and safety rules.
- Harassing or victimising another employee on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment marital status, age and/or disability.
- Bringing the Parish Council into serious disrepute.

The above is intended as a guide and is not an exhaustive list.

## **Suspension**

In the event of serious or gross misconduct, an employee may be suspended while a full investigation is carried out. Such suspension will be on full basic pay. Suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible. Suspension is not considered a disciplinary action.

## **Appeals**

An employee may appeal against any disciplinary decision, including dismissal, to The Clerk of the Parish Council within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by a Councillor.

At the appeal hearing, the employee will again be given the chance to state his or her case and will have the right to be accompanied by a trade union official, a trade union representative or a fellow employee of his or her choice.

Following the appeal hearing, the employee will be informed in writing of the results of the hearing. The Parish Council's decision on an appeal will be final.

## **GRIEVANCE PROCEDURE**

### **Object**

The object of the procedure is to provide an employee who considers that he or she has a grievance with an opportunity to have it examined quickly and effectively, and where a grievance is deemed to exist, to have it resolved, if possible, at the earliest practicable opportunity. Most grievances can be settled informally and employees should aim to settle their grievances in this way if possible.

This grievance procedure is entirely non-contractual and does not form part of an employee's contract of employment.

### **Procedure**

If a grievance cannot be settled informally, the employee should raise it formally. This procedure has been drawn up to establish the appropriate steps to be followed when pursuing and dealing with a formal grievance.

#### **Stage 1**

In the event of the employee having a formal grievance relating to his or her employment he or she should, in the first instance, put their grievance in writing and address it to The Clerk, making it clear that they wish to raise a formal grievance under the terms of this procedure. Where the grievance is against The Clerk, the complaint should be addressed to the Chairman. This grievance procedure will not be invoked unless the employee raises their grievance in accordance with these requirements.

The Vice Chair (who may not be the person to whom the grievance was addressed) will then invite the employee to a grievance meeting to discuss the grievance and the employee has the right to be accompanied at this meeting by a trade union official, a trade union representative or a fellow employee of their choice. The employee must make every effort to attend the meeting. At the meeting, the employee will be permitted to explain their grievance and how they think it should be resolved.

Following the meeting, the Parish Council will endeavour to respond to the grievance as soon as possible and, in any case, within five working days of the grievance meeting. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be informed in writing of the Parish Council's decision on the grievance and notified of their right to appeal against that decision if they are not satisfied with it.

#### **Stage 2**

In the event that the employee feels his or her grievance has not been satisfactorily resolved, the employee may then appeal in writing to the Assistant Clerk of the Parish Council within five working days of the grievance decision. The employee should also set out the grounds for their appeal.

On receipt of such a request, the Assistant Clerk and the Chairman shall make arrangements to hear the grievance at an appeal meeting and at this meeting the employee may again, if they wish, be

accompanied by a trade union official, a trade union representative or a fellow employee of their choice.

Following the meeting, the Assistant Clerk or Chairman will endeavour to respond to the grievance as soon as possible and, in any case, within five working days of the appeal hearing. If it is not possible to respond within this time period, the employee will be given an explanation for the delay and be told when a response can be expected. The employee will be informed in writing of the Parish Council's decision on their grievance appeal.

This is the final stage of the grievance procedure and the Parish Council's decision shall be final.

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