



Staff Handbook

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Grievance Procedure

Adopted by

Resolution of the Parish Council

on

11th September 2018

Introduction

This procedure applies to all employees of the Council.

It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees may wish to raise with the Council. The objectives of the procedure are to settle grievances as near as possible to their point of origin, and to ensure that grievances are treated seriously and are resolved as quickly as possible.

This document describes the procedure which is produced in line with the Advisory Conciliation and Arbitration Service (ACAS) Code of Practice 2009 as set out in the Employment Act 2008.

Excluded from this procedure are as follows:

1. Appeals against disciplinary actions
2. Income Tax, National Insurance matters, rates of pay collectively agreed at the national or local level, rules of pension schemes.
3. A grievance about a matter over which the Council has no control.

Informal Grievance Procedure

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Chair (or Vice-Chair) 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.

Standard Council Grievance Procedure

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

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 with a Grievance Panel comprising at least 4 councillors (excluding any councillor involved with the complaint) to discuss the matter.

- a) The employee must take all reasonable steps to attend the meeting
- b) The Grievance Meeting will normally be convened within 14 days of the Council receiving the Statement of Grievance.

c) The employee has a right to be accompanied by a member of Society of Local Council Clerks (SLCC) but, as this is an internal procedure they will not be entitled to be accompanied by an external supporter e.g. partner, relative, friend, solicitor, etc. The companion will be allowed to address the hearing to put the case forward respond to views expressed at the hearing and to confer with the complainant at the hearing but is not allowed to answer on behalf of the complainant.

d) If the meeting is inconvenient for either the employee or his/her companion the employee has a right to postpone the meeting by up to 5 working days.

2. 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.

3. After the meeting the employee will be informed of the decision within 5 working days. The meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

4. If the employee wishes to appeal against the Council's decision s/he must inform the Council within 5 working days of receiving the decision.

5. If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a Grievance Appeal Meeting. All grievance appeals will be conducted by 2 members of the Council who did not sit on the Grievance Panel, plus 1 member of the Grievance Panel. The employee must take all reasonable steps to attend that meeting and has a right to be accompanied by a companion as set out in 1 c) above.

6. A Grievance Appeal Meeting will normally be convened within 7 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 5 working days.

7. After the Grievance Appeal Meeting the employee will be informed of the Council's final decision within 5 working days. The meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

General Procedural Information

A grievance raised under the standard Council Grievance Procedure will normally be investigated, and any meetings to discuss the grievance will be conducted by a panel appointed to hear the grievance.

All grievance appeals will be conducted by 2 members of the Council who are not members of the Grievance Panel plus 1 member of the Grievance Panel.

A copy of the Statement of Grievance, a note of the decision taken, and any notice of appeal will be placed on the employees personnel file together with any notes or evidence taken or compiled during the course of the procedure.

All staffing disciplinary and grievance issues should be discussed in private session.

Disciplinary Procedure

Adopted by

Resolution of the Parish Council

On

11th September 2018

Introduction

This procedure applies to all employees of the Council

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to: -

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- i. Unsatisfactory time keeping.
- ii. Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- iii. Failure to comply with rules and regulations applicable to job requirements.
- iv. Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the Council.
- v. Any other conduct that from time to time is defined by the Council as amounting to misconduct.

Informal Disciplinary Procedure

Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Council. A note confirming the Verbal Warning will be placed on the employees personnel file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for 6 months.

The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

1. First Written Warning

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action; and
- iv. the employee's right of appeal.

A first Written Warning will normally remain in force for 12 months.

The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

2. Final Written Warning

If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning. A Final Written Warning will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or a failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action up to and including dismissal; and
- iv. the employees right of appeal.

Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct but is sufficiently serious enough to warrant only one written warning.

A Final Written Warning will normally remain in force for 12 months.

Standard Council Disciplinary Procedure

In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee the following formal disciplinary procedure will be followed:

1. The Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
2. The Council will set out in writing the alleged conduct or other circumstances which lead the Council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
3. Disciplinary meetings will normally be convened within 5 working days of the Council sending the employee the written statement referred to in 2 above. The Council will be represented by a Disciplinary Panel comprising at least 4 councillors to discuss the matter. The employee may be accompanied to any disciplinary meeting by a member of the Society of Local Council Clerks (SLCC). As this is an internal procedure they will not be entitled to be accompanied by an external supporter e.g. partner, relative, friend, solicitor, etc.
4. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees' companion should he or she wish to be accompanied to the meeting pursuant to 3 above) the employee may ask to postpone the meeting by up to 5 working days.
5. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council time to consider their decision.
6. After the meeting the Council will inform the employee of their decision and any applicable sanction within 5 working days. [The meeting may be reconvened for this purpose]. The decision will be confirmed to the employee in writing.
7. If the employee wishes to appeal against the decision he/she must notify the Council in writing within 5 days of receiving written notice of the decision.
8. If the employee notifies the Council that he/she wishes to appeal, the employee will be invited to attend a Disciplinary Appeal Meeting .Disciplinary Appeals will be conducted by two members who did not sit on the Disciplinary Panel plus one member of the Disciplinary Panel.

The employee must take all reasonable steps to attend that Disciplinary Appeal Meeting. The employee has the right to be accompanied to a Disciplinary Appeal Meeting by a member of SLCC.
9. A Disciplinary Appeal Meeting will normally be convened within 7 working days of the Council receiving notification that the employee wishes to appeal pursuant to 7 above. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to 5 working days.

- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
- ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.
- iii. The Disciplinary Appeal Meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated, and continuity of employment will be preserved.
- iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council time to consider its decision.

After the Disciplinary Appeal Meeting the Council will inform the employee of its final decision within 5 working days. [The meeting may be reconvened for this purpose]. The decision will be confirmed to the employee in writing.

Council Dismissal Procedure for use in gross misconduct

1. The following list provides examples of conduct that will normally be regarded by the Council as Gross Misconduct. This list is not exhaustive. These are examples only:

- i. Refusal or repeated failure by an employee to carry out his or her duties.
- ii. Falsification of documents or information (including expense claims).
- iii. Unauthorised disclosure of confidential information.
- iv. Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- v. Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- vi. Serious or repeated harassment (including sexual and racial harassment).
- vii. Incapacity at work due to the influence of alcohol, un-prescribed drugs or any other substance.
- viii. Wilful damage to Council property.
- ix. Theft, unauthorised use or possession of Council property or theft of the property of a fellow employee.
- x. Conduct bringing the Council into disrepute.
- xi. Any other conduct that from time to time is defined by the Council as amounting to gross misconduct.

2. If an employee is accused of any Gross Misconduct he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 10 working days unless there are exceptional circumstances.

3. The Council's Disciplinary Panel will investigate the matter and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed.
4. If the Council believes the employee is guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.
5. The Council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the Council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employee's right to appeal against the Council's decision.
6. If the employee wishes to appeal against the Council's decision he/she must notify the Council in writing within 5 working days of receiving notice of the Council's decision.
7. If the employee appeals the Council will invite the employee to attend a Disciplinary Appeal Meeting before a panel comprising 2 members of the Council who are not members of the Disciplinary Panel plus one member of that panel. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a member of SLCC.
8. Any Disciplinary Appeal Meeting will normally be convened within 7 working days of the Council receiving notice from the employee that he or she wishes to appeal pursuant to 7.6 above. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.
 - i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the council. The original disciplinary penalty will be reviewed.
 - ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
 - iii. The Disciplinary Appeal Meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employees appeal is against dismissal and the appeal is successful he or she will be reinstated, and continuity of employment will be preserved.
 - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Disciplinary Panel time to consider its decision.
9. After the Disciplinary Appeal Meeting the employee will be informed of the Council's final decision within 5 working days [the meeting may be reconvened for this purpose]. The Council's decision will be confirmed to the employee in writing.

General Procedural Information

1. Disciplinary proceedings raised under the standard council disciplinary procedure will be investigated by a panel appointed by the Council.

2. Any investigations and any meetings will initially be carried out by the Council's Disciplinary Panel. Any Disciplinary Appeal Meeting will be conducted by 2 members of the Council who do not sit on the Disciplinary Panel, plus one member of that Panel.
3. A Council Disciplinary Panel be convened as required.