



LUDLOW TOWN COUNCIL

DISCIPLINARY & GRIEVANCE POLICY AND PROCEDURE

**This Disciplinary Policy and Procedure was adopted by Full Council on
the 14th March 2011**

Re-adopted Full Council 2nd February 2015

CONTENTS

- 1 Policy statement**
- 2 Purpose/Process**
 - 2.1 Introduction**
 - 2.2 Rules and disciplinary procedures**
 - 2.3 General requirements**
 - 2.4 Handling discipline: an overview**
 - 2.4.1 Encourage improvement**
 - 2.4.2 Act promptly**
 - 2.4.3 Gather the facts**
 - 2.4.4 Be firm and fair**
 - 2.4.5 Suspension with pay**
 - 2.4.6 Stay calm**
 - 2.4.7 Be consistent**
 - 2.4.8 Consider each case on its merits**
 - 2.4.9 Follow the disciplinary procedure**
 - 2.4.10 Is disciplinary action necessary?**
 - 2.5 Informal procedure**
 - 2.6 Mediation**
 - 2.7 Formal Process**
 - 2.8 Disciplinary**
 - 2.9 Employment Tribunals**
 - 2.10 The law on dismissal**
 - 2.11 Criminal charges or convictions**
- 3 Retention of documentation relating to disciplinary action**
- 4 Time limits for warnings**
- 5 Training**
- 6 Review**
 - Appendix A Examples of Misconduct**
 - Appendix B Disciplinary Process**
 - Appendix C Grievance Process**

Disciplinary Policy

1. Policy statement

The Town Council recognises that good management can prevent the development of potential disciplinary problems and that employees need clearly defined standards within which to undertake their duties and conduct themselves at work. This enables them to function most effectively in contributing to the provision of quality services and in their relationships with managers, colleagues, members of the public and others. On those occasions where the specified standards of conduct are not being met and there is a need to consider disciplinary action, the prime aim will be to help employees correct their inappropriate conduct within a procedural framework that ensures fair treatment for all and that is consistent in approach in accordance with agreed procedure.

The Town Clerk must be involved and members of the Town Council consulted if dismissal is being considered. Suspension on normal pay pending an investigation is permitted, but the Council must first be consulted. Any investigation should ordinarily be completed within 10 -20 working days.

Depending on the circumstance of the case, as an alternative to dismissal an employee may be demoted (if a vacancy exists) or suspended without pay and privileges for up to five days. Such a decision may only be made at a disciplinary or appeal hearing.

Where the facts of the case appear to call for disciplinary action, the Town Clerk will decide whether the misdemeanour amounts to misconduct or gross misconduct in consultation and taking advice where necessary. The matter will be given a high priority and action taken in accordance with procedures that are based on the following principles:

- No disciplinary action will be taken against an employee until the case has been fully investigated. **There may be exceptions to this in the most serious cases of misconduct. [The wording in bold should be removed – no disc action should be taken without some form of investigatory meeting with the employee concerned]**
- At every stage in the procedures the employee will be advised of the nature of the complaint against him/her, provided with any supporting evidence and be given the opportunity to state his/her case before any decision is made.
- At all formal stages the employee will have the right to be accompanied by a union official, professional association representative or work colleague during a disciplinary hearing.
- The employee will be heard in good faith and there will be no pre-judgement of the issue.

- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct when the penalty may be dismissal without notice or payment in lieu of notice.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- An employee will have the right to appeal against any formal disciplinary action taken.
- Where an alleged offence results in police or other external investigations, the internal procedure and related time scales will ordinarily continue to apply.

This policy is supported by the following procedures, which must be followed:

2. Purpose

2.1 Introduction

Disciplinary procedures are an aid to the effective management of people, and should not be viewed primarily as a means of imposing sanctions or as leading to dismissal.

The use of the formal disciplinary procedures should be considered a "last resort" rather than the first option. Many problems can be sorted out through informal dialogue between managers and staff – a "quiet word" is often all that is needed.

2.2 Rules and disciplinary procedures

Clear rules benefit employees and employers. Rules set standards of conduct and performance at work and make clear to employees what is expected of them. A good disciplinary procedure helps employees keep to the rules, and helps employers deal fairly with those who do not.

Rules will normally cover issues such as absence, timekeeping and holiday arrangements, health and safety, use of the Town Council's equipment and facilities, misconduct/gross misconduct, sub-standard performance, and discrimination, bullying and harassment.

This disciplinary procedure is the means by which rules are observed and standards are maintained. It provides a method of dealing with any shortcomings in conduct or performance and can help an employee to become effective again. The procedure must be applied fairly, effectively and consistently.

These procedures apply to all Town Council employees, irrespective of their length of service, status or number of hours worked.

2.3 General requirements

~~[These Regulations have been abolished]~~

The ACAS Code of Practice Disciplinary and Grievance procedures ('the ACAS Code') should be complied with at all times. Attempts should still be made initially to resolve workplace problems informally, by talking about them as and when they happen. When that does not resolve the issue, however, the disciplinary procedure may be invoked.

Having to discipline or dismiss an employee is never a comfortable process. This process can be eased by talking things through informally. Where that does not work, using the new laws for resolving disputes will ensure everything is clear and unhidden, providing a fair process for all concerned. It is necessary to act reasonably at all times.

It should be noted that in the event of disciplinary action against the Town Clerk the words "Town Clerk" should be replaced by "Town Mayor" in the following procedures.

The Town Clerk is responsible for specifying the expected standards of behaviour, the enforcement of rules and ensuring that any breaches are tackled promptly. Any complaint or allegation regarding the conduct of an employee should, in the first instance, be referred to the Town Clerk who would normally deal with a first and relatively minor infringement informally.

2.4 Handling discipline: an overview

2.4.1 Encourage improvement

The main purpose of operating a disciplinary procedure is to encourage improvement in an employee whose conduct or performance are below acceptable standards. Such improvement to be identifiable within an agreed period

2.4.2 Act promptly

Problems dealt with early enough can be "nipped in the bud", whereas delay can make things worse as the employee may not realise that they are below standard unless they are told.

2.4.3 Gather the facts

By acting promptly the relevant supervisor or manager can clarify what the problem is and gather information before memories fade, including anything the employee has to say. Where necessary, statements should be obtained from witnesses at the earliest opportunity. Keep records of what is said -copies may need to be given to the individual if the matter progresses any further. Relevant personal details such as previous performance, length of service and any current warnings will need to be obtained before the meeting, as well as any appropriate records and documents.

2.4.4 Be firm and fair

Whilst maintaining satisfactory standards and dealing with disciplinary issues requires firmness on the part of the manager, it also requires fairness. The manager needs to be as fair as possible, keep an open mind, and not prejudge the issues.

2.4.5 Suspension with pay

Where there appears to be serious misconduct, or risk to property or other people, a period of suspension with pay should be considered while the case is being investigated. This allows tempers to cool and hasty action to be avoided. Any suspension must be with pay, and any period of suspension should be as short as possible. The employees should be told why they are being suspended, and that they will be called in for a disciplinary meeting as soon as possible. Suspension should not be used as a sanction before the disciplinary meeting and decision, and employees should be treated fairly and consistently.

2.4.6 Stay calm

Enquiries, investigations and proceedings should be conducted with thought and care. The discipline of an employee is a serious matter and should never be regarded lightly or dealt with casually.

2.4.7 Be consistent

The attitude and conduct of employees may be seriously affected if management fails to apply the same rules and considerations to each case. All employees should be aware of the Town Council's normal practice for dealing with misconduct or unsatisfactory performance.

2.4.8 Consider each case on its merits

While consistency is important, it is also essential to take account of the circumstances and people involved. Personal details such as length of service, past disciplinary history and any current warnings will be relevant to such considerations. Any provocation or other mitigation also needs to be taken into account. Any decision to discipline an employee must be reasonable in all the circumstances and must not discriminate on grounds of age, race, sex, disability, sexual orientation or religion or belief.

2.4.9 Follow the disciplinary procedure

The disciplinary procedure must be followed and the Town Clerk should never exceed the authority limits.

If the employee is dismissed or suffers a disciplinary penalty short of dismissal (such as suspension) the ACAS Code must have been followed. If they have not been followed and the employee makes a claim to an employment tribunal the dismissal may be ruled unfair or awards may be increased. To make a claim to

an employment tribunal, employees will ordinarily have to have two year's service.

2.4.10 Is disciplinary action necessary?

Having gathered the facts, the Town Clerk should decide whether to:

- Drop the matter – there may be no case to answer or the matter may be regarded as trivial.
- Arrange counselling/take informal action – this is an attempt to correct a situation and prevent it from getting worse without using the disciplinary procedure
- Consider using an independent mediator, who will not take sides or judge who is right but who can help the parties reach their own agreement
- Arrange a disciplinary meeting - this will be necessary when the matter is considered serious enough to require disciplinary action.
- A panel of trained councillors **mainly from the Staffing & Appeals Committee** will be identified (and reviewed annually) from which members will be selected to participate in a hearing and, if necessary, any appeal.

2.5 Informal procedure

When an employee is not performing satisfactorily or is misbehaving at work the first priority should be to help them to improve. Informal action may often be a more satisfactory method of resolving problems than a disciplinary meeting. Minor breaches of conduct will be dealt with by an informal discussion which will point out any shortcomings and encourage improvement and may result in the giving of an informal warning. No right of appeal exists for informal warnings. A note summarising the issues and outcome, which the employee should fully understand, will be retained on the employee's personal file, a copy having been given to the employee

After careful consideration (even adjourning the meeting where necessary to allow full consideration of the matters raised), if the employee's explanation is not satisfactory, the Town Clerk will write a letter to the employee setting out the problem, what the employee is expected to do about it, when an improvement is expected to be seen, and what will be done if there is no improvement.

Informal warnings do not constitute action under the formal procedure but there will be recourse to the formal procedure for persistent breaches of conduct, if there is no improvement, or if any improvement fails to be maintained.

If the situation still does not improve, and further action against the employee is necessary the Town Council will start the standard formal procedure as set out in Section 2.7 below.

2.6 Mediation

In some cases, where formal disciplinary action is not appropriate, an independent mediator may help solve disagreements over disciplinary issues. A mediator will not take sides or judge who is right but can help the parties reach their own agreement where the employer and employee are unable to solve a disagreement alone. A mediator may also recommend a way forward if both parties agree that they want this.

2.7 Formal Process

For more serious matters or if, following informal action, the employee fails to meet the required standard then formal action will follow.

Before any meeting sufficient investigation will need to be carried out to enable a clear view of the facts to emerge and be available at the meeting. The employee should be advised in writing what is being alleged, and his or her rights under the disciplinary procedure, including the right to be accompanied by a colleague or trade union official. The employee should have time to prepare, and proper opportunity to state their case.

When deciding whether a disciplinary penalty is appropriate and what form it should take, consideration should be given to:

- Whether the rules of the Town Council indicate what the likely penalty will be as a result of the particular misconduct.
- The penalty imposed in similar cases in the past.
- The employee's disciplinary record, general work record, work experience, position and length of service.
- Any special circumstances which might make it appropriate to adjust the severity of the penalty.
- Whether the proposed penalty is reasonable in view of all the circumstances.

2.8 Disciplinary

If the Town Council is considering disciplining an employee the ACAS Code shall be followed in all dismissals except:[NOTE There are no exceptions to the ACAS code although individual circumstances may arise where it can be justified not to follow the code]

2.9 Employment Tribunals

Employees who feel they have been unfairly dismissed (and meet the qualifying conditions) or wish to claim compensation within the prescribed limit for being dismissed in breach of contract, have a legal right to make a complaint to an employment tribunal. Such complaints must normally be received by the tribunal within three months counting from and including the individual's last day of employment. A breach of contract claim of wrongful dismissal may alternatively be made in a county court or the High Court, in which case the time limit is six years from the termination of employment.

In most cases, internal appeal decisions are reached well within this time frame, but exceptional cases may take longer to be heard. If the disciplinary process is in progress then employment tribunals have discretion to extend the time limit for presenting a case in the light of all the circumstances.

If the disciplinary or dismissal procedures are not completed when the case goes to a tribunal the tribunal will decide whether that is the fault of the employee or the Town Council. If it is the fault of the Town Council the compensation payable will be increased by up to 25%. If it is the employee's fault the compensation may be decreased in the same way. If there is no award, there is no additional penalty.

An employment tribunal will automatically find a dismissal unfair if a fair procedure has not been followed which is why adherence to the ACAS Code is so important. The tribunal will also, except in exceptional circumstances, increase compensation for the employee by up to 25%. Equally, if the employment tribunal finds that an employee has been dismissed unfairly but has failed to participate in the procedure (for instance they have failed to attend the disciplinary meeting without good cause), compensation may be reduced by up to 25%.

A tribunal can rule that a dismissal is unfair even though procedures have been followed exactly. The tribunal must be satisfied that the Town Council has acted reasonably in the circumstances.

2.10 The law on dismissal

If disciplinary action could end in dismissing an employee, the Town Council must ensure the dismissal is fair. Fairness involves 2 key points:

- The reason for the dismissal must be one allowed by the law:
 - a. Capability or qualifications of the employee
 - b. Conduct of the employee
 - c. Redundancy
 - d. Contravention of a duty or restriction or
 - e. Some other substantial reason

- The Town Council must act fairly. This means following the key principles set out below (taken from the PRINCIPLES OF REASONABLE BEHAVIOUR from the ACAS Code)

- a. Procedures should be used to encourage employees to improve, where possible, rather than just as a way of imposing a punishment.
- b. The Town Council must inform the employee about the complaint against him or her; the employee should be given an opportunity to state his or her case before decisions are reached.
- c. The employee is entitled to be accompanied at disciplinary meetings.
- d. Disciplinary action should not be taken until the facts of the case have been established.
- e. An employee should never be dismissed for a first disciplinary offence, unless it is a case of gross misconduct.
- f. The employee should always be given an explanation for any disciplinary action taken and should know what improvement is expected.
- g. The employee must have an opportunity to appeal.

An employee cannot take a case of unfair dismissal against the Town Council until he or she has been employed by the Council for two years or more. There are some important exceptions to this rule. Some dismissals are automatically unfair whenever they occur e.g. the Town Council cannot fairly dismiss a woman for becoming pregnant or a trade union official or health and safety officer for carrying out legitimate duties.

2.11 Criminal charges or convictions

An employee should not be dismissed or otherwise disciplined merely because he or she has been charged with or convicted of a criminal offence. The question to be asked in such cases is whether the employee's conduct merits action because of its employment implications.

Where it is thought the conduct warrants disciplinary action the following guidance should be borne in mind:

- The Town Council should investigate the facts as far as possible, come to a view about them and consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure.
- Where the conduct requires prompt attention the Town Council need not await the outcome of the prosecution before taking fair and reasonable action.
- Where the police are called in they should not be asked to conduct any investigation on behalf of the Town Council, nor should they be present at any meeting or disciplinary meeting.

In some cases the nature of the alleged offence may not justify disciplinary action, e.g. off-duty conduct which has no bearing on employment, but the employee may not be available for work because he or she is in custody or on remand. In these cases the Town Council should decide whether, in the light of the needs of the organisation, the employee's job can be held open. Where a criminal conviction leads, for example, to

the loss of a licence so that continued employment in a particular job would be illegal, the Town Council should consider whether suitable alternative work is available.

Where an employee, charged with or convicted of a criminal offence, refuses to co-operate with the Town Council's disciplinary investigations and proceedings, this should not deter the Town Council from taking action. The employee should be advised in writing that unless further information is provided a disciplinary decision will be taken on the basis of the information available and could result in dismissal.

3. Retention of documentation relating to disciplinary action

Consistent handling of disciplinary matters will be difficult unless simple records of earlier decisions are kept. These records should be confidential, detailing the nature of any breach of disciplinary rules, the action taken and the reasons for it, the date action was taken, whether an appeal was lodged, its outcome and any subsequent developments.

All documentation relating to any disciplinary action taken by the Town Council will be dealt with in accordance with the Data Protection legislation in force at the time. The Data Protection Act 1998 governs the keeping of manual and computer records, and allows the "data subjects" access to personal and personnel records about them. In each particular case copies of the relevant records should be given to the employee concerned, although in certain circumstances some information may be withheld e.g. to protect a witness.

4. Time limits for warnings

Disciplinary action will not count against an individual indefinitely[this wording has been deleted as it is not compliant with ACAS Code

Records of warnings should be kept, but should generally be disregarded after six months for first written warnings, but after 12 months for a final written warning [comment 12 months is standard for any warning but if you wish to differentiate in this way that is acceptable]

Warnings should cease to be "live" following the specified period of satisfactory conduct and should thus be disregarded for future disciplinary purposes.

There may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse of the system, the employee's disciplinary record should be borne in mind in deciding how long any warning should last.

5. Training

Proper training and supervision are essential to the achievement of satisfactory performance. Regular discussion with employees about performance, either formally or informally, will help to identify any problem areas and allow remedial action to be taken

promptly. Inadequate performance, particularly during a probation period, should be identified as quickly as possible so that appropriate remedial action can be taken. Performance will also be discussed during an employee's annual appraisal.

Those responsible for using and operating the disciplinary rules and procedures will be trained for the task. Ignoring or circumventing the procedures when dismissing an employee is likely to have a bearing on the outcome of any subsequent tribunal complaint. Good training helps managers achieve positive outcomes, reducing the need for any further disciplinary action.

6. Review

This policy will be reviewed annually, or more frequently if there are changes to legislation or situations demand it.

The Town Council embraces a culture where employees are consulted and problems discussed, which is less likely to need to proceed down the formal disciplinary process.



Examples of Misconduct

Serious Misconduct

- Unsatisfactory attendance and/or timekeeping
- Failure to use safe and hygienic work practices and observe safety regulations
- Unauthorised absence from the workplace
- Unwillingness to carry out reasonable duties
- Minor infringements of the Council's policies relating to equality, diversity and code of conduct
- Unwarranted angry response or behaviour
- Negligence in the use of equipment or property
- Failings in preserving of the dignity, respect and privacy of others
- Failure to file securely confidential information about a service user
- Offences against the law of the land that impact on the employee's ability to perform their duties

Gross Misconduct

- Theft or fraud e.g. deliberate falsification of timesheets
- Serious negligence or blatant disregard of safety regulations that causes or threatens to cause injury to others
- Breaches of computer security
- Misuse of computer and internet services
- Serious acts of insubordination and repeated or blatant refusal to obey reasonable instructions
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Town Council
- Serious acts contrary to the Council's equality policy, e.g. harassment or discrimination on the grounds of sex, race, religion or age
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person withstanding or purporting to act on behalf of the Council
- Fighting or threatened physical assault on another person
- Wilful damage to the Council's or other people's property
- Serious acts of abuse, mistreatment or neglect of a service user
- Unauthorised disclosure of confidential information

- Conviction in a court of law of an offence which seriously undermines the employment relationship
- Being under the influence of alcohol or drugs whilst on duty
- Smoking within the confines of Council buildings or vehicles
- **Conduct bringing the Council into disrepute**

These examples are intended to demonstrate the difference between those acts

- that are generally recognised as constituting gross misconduct and
- that are regarded as serious enough to warrant disciplinary action but not sufficiently so to be considered as gross misconduct.

They are examples only and are not intended to comprise an exhaustive list of all situations that may arise when considering whether or not the matter is gross misconduct.



DISCIPLINARY PROCESS

1. INTRODUCTION

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.

1.1 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 and is amplified in the Appendix A.

- 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. Insubordination.
- vi. Any other conduct that from time to time is defined by the council as amounting to misconduct.

1.2 In first instances of minor misconduct the Town Clerk may speak to the employee informally before implementing a formal disciplinary procedure.

2. SCOPE

The procedure applies to all employees.

3. VERBAL WARNINGS

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.

4. 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 be issued by the Town Clerk and 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 6 months.

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

5. 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 be issued by the Town Clerk after the consultation with the Chair of the Staffing & Appeals Committee and 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[Comment – not permissible]

6. FORMAL COUNCIL DISCIPLINARY PROCEDURE

- 6.1 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 Town Clerk deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee after discussion with the Chair of the Staffing & Appeals Committee the following formal disciplinary procedure will be followed.
- 6.2 The Town Clerk will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
- 6.3 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 requesting 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.
- 6.4 Disciplinary meetings will normally be convened within 5 working days of the council sending the employee the written statement referred to in 6.3 above. The Panel will be constituted normally by 3 members of the Staffing & Appeals Sub-Committee. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The council will be represented by the Town Clerk.
- 6.5 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 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.

- 6.6 The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the [employee's manager/clerk] time to consider their decision.
- 6.7 After the meeting the Chair of the Panel will inform the employee of its 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.
- 6.8 If the employee wishes to appeal against the decision he or she must notify the council in writing within 5 days of receiving written notice of the decision.
- 6.9 If the employee notifies the council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before members of the Staffing & Appeals Sub-Committee NOT involved in the disciplinary hearing. 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 fellow employee or by a representative of a trade union.
- 6.10 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 6.8 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 Panel members time to consider its decision.
- 6.11 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.

7. COUNCIL DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

- 7.1. The list in Appendix A provides examples of conduct that will normally be regarded by the council as Gross Misconduct. This list is not exhaustive.
- 7.2. 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. A decision to suspend will be taken by the Town Clerk in consultation with the Chairman of the Staffing and Appeals Sub-Committee
- 7.3. The Town Clerk 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 the investigation the employee will be interviewed.
- 7.4. 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.
- 7.5. Disciplinary meetings will normally be convened within 5 working days of the council sending the employee the written statement referred to in 6.3 above will be. The Panel will be constituted normally by 3 members of the Staffing & Appeals Sub-Committee. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The council will be represented by the Town Clerk.
- 7.6. 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 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.
- 7.7. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the [employee's manager/clerk] time to consider their decision.
- 7.8. After the meeting the Chair of the Panel will inform the employee of its 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.
- 7.9. Depending on the offence and circumstances there may be occasions when the employment will be terminated immediately [comment repetition]without notice or pay in lieu of notice.

- 7.10. 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 employees right to appeal against the councils decision.
- 7.11. If the employee wishes to appeal against the Council's decision he or she must notify the council in writing within 5 working days of receiving notice of the Council's decision pursuant to 7.5 above.
- 7.12. If the employee appeals the council will invite the employee to attend a disciplinary appeal meeting before the Staffing and Appeals Sub-Committee. 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 fellow employee or by a representative of a trade union.
- 7.13. The panel will be a total of three Members made up from Members of the Staffing and Appeals Sub-Committee who have NOT been involved in the earlier stages of the disciplinary procedure and other trained Members of the Town Council.
- 7.14. 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 7.11 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 decision will be reviewed.
 - ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
 - iii. The disciplinary appeal will not necessarily take place before any disciplinary sanction imposed by the council takes affect. 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 Staffing and Appeals Sub-Committee time to consider its decision.

7.15. 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.

8. GENERAL PROCEDURAL INFORMATION

8.1. Verbal Warnings and Written Warnings will normally be issued by the Town Clerk. Disciplinary proceedings raised under the Council's disciplinary procedure will also normally be investigated and any meetings to discuss the disciplinary proceedings conducted by the Town Clerk.

8.2. Where formal disciplinary proceedings or any other employees relations matters, these will be instigated against the clerk are dealt with by the Staffing and Appeals Sub-Committee, Verbal Warnings and Written Warnings will be given by the Chairman of that Committee. All investigations and hearings will be carried out by the Staffing and Appeals Sub-Committee. Any disciplinary appeal meeting will be conducted by a total of three Members made up from Members of the Staffing and Appeals Sub-Committee who have NOT been involved in the earlier stages of the disciplinary procedure and other trained Members of the Town Council. [comment – this wording especially in lines 1 and 2 is unclear and should be reviewed to achieve what is intended]



GRIEVANCE PROCESS

1. INTRODUCTION

1.1. This procedure applies to all employees of the council.

1.2. The objectives of the procedure are: -

- To foster good relationships between the council and its employees by discouraging the harbouring of grievances;
- To settle grievances as near as possible to their point of origin;
- To ensure the council treats grievances seriously and resolves them as quickly as possible; and
- To ensure that employees are treated fairly and consistently throughout the council.

1.3. Matters excluded from this procedure are as follows: -

- Appeals against salary or gradings;
- Appeals against disciplinary actions;
- Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- Rules of pension schemes; and
- A grievance about a matter over which the council has no control.

2. INFORMAL GRIEVANCE PROCEDURE

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

3. FORMAL GRIEVANCE PROCEDURE

STANDARD COUNCIL GRIEVANCE PROCEDURE

- 3.1. The employee must set out his/her grievance in writing (“Statement of Grievance”) and provide a copy to the Chair of the Staffing & Appeals Committee.
- 3.2. Once the Committee 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 with 3 Members of the Committee.
 - i. The employee must take all reasonable steps to attend the meeting.
 - ii. Grievance meetings will normally be convened with 14 days of the council receiving the Statement of Grievance.
 - iii. The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative (see 5.5).
 - iv. If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to [5] working days.
- 3.3. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Town Clerk time to consider the decision.
- 3.4. After the meeting the employee will be informed of the council’s 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.
- 3.5. If the employee wishes to appeal against the council’s decision he or she must inform the council within 5 working days of receiving the decision.
- 3.6. If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before Members of the Staffing and

Appeals Sub-Committee or trained Panel Members NOT involved in the initial hearing. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee or by a Trade Union representative.

- 3.7. A grievance appeal meeting will normally be convened within 7 working days of the council receiving notice that the employee wishes to appeal pursuant to 3.5. above. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.
- 3.8. 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.

4. MODIFIED COUNCIL GRIEVANCE PROCEDURE FOR FORMER EMPLOYEES

- 4.1. If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing to the Mayor and provide a copy to the Town Clerk.
- 4.2. Following receipt of a statement of grievance pursuant to 4.1. above, the council will either write to the ex-employee inviting him or her to attend a meeting to discuss the grievance, or to ask for the ex-employee's agreement to the council responding to the grievance in writing.
 - 4.2.1. If the ex-employee does not agree to the matter being dealt with by correspondence within 7 working days of the council writing to them pursuant to 4.2. above steps 3.1. to 3.4. of the standard council grievance procedure will be followed. The meeting will be conducted members of the Staffing & Appeals Committee.
 - 4.2.2. If the ex-employee does agree to the matter being dealt with by correspondence, Staffing & Appeals Committee will consider his or her grievance and will respond to the ex-employee in writing within [14 days] of the receipt of such confirmation setting out the basis for the council's decision.

5. GENERAL PROCEDURAL INFORMATION

- 5.1. Grievances raised under the standard council grievance procedure will normally be investigated, and any meetings to discuss the grievance will be conducted by the Town Council.
- 5.2. If an employee's grievance is about the Town Clerk it should be raised with the Chairman of the Staffing and Appeals Sub-Committee. All investigations and any grievance meeting will be conducted by the Staffing and Appeals Sub-Committee and

any grievance appeal meeting will be conducted by a total of 3 Members of the Council who have NOT previously been involved in the case together with other trained Members.

- 5.3. Where a grievance is raised by the Town Clerk on any employee relations matter these will be dealt with by the Staffing and Appeals Sub-Committee.
- 5.4. A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's/ex-employees personnel file, together with any notes or evidence taken or compiled during the course of the procedure.
- 5.5. No employee may be represented by a fellow employee or by a Trade Union Representative without the employee being present.