



MELTON PARISH COUNCIL

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Up to now the Council's Disciplinary and Grievance procedures were both summaries contained in a one page document drawn up in 2009. As far as I am aware they have not been used – at least since 2014.

The document below is designed to replace the previous procedures with ones partly based upon the ACAS models for small organisations, which have been adapted for the use of the Council, preserving key features of the old procedures, and added to where considered appropriate.

Members of Finance, Employment and Risk Management (FERM) Committee are invited to consider this document and recommend its adoption to Full Council.

William Grosvenor
Clerk and Executive Officer to the Council
7 October 2020

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Grievance procedure

Dealing with grievances informally

If you have a grievance or complaint to do with your work or the people you work with, you should, wherever possible, start by talking it over with your manager (which may include where appropriate the Chair of Finance, Employment and Risk Management (FERM) Committee. You may be able to agree a solution informally between you. It is the policy of the Council that informal discussions between the parties should always be entered into initially with the express purpose of resolving matters through a process of mediation to seek conciliation wherever this is possible.

Formal grievance

If the matter is serious and / or you wish to raise the matter formally you should set out the grievance in writing to your manager. Where your grievance is against your manager and you feel unable to approach him or her you should put the grievance to the Chair of FERM Committee.

Grievance hearing

The Chair of FERM Committee will arrange to have your grievance considered by a meeting of a Grievance Panel of the Council, which will be held in the absence of the public and press. This hearing will happen as soon as possible. Under section 10 of the Employment Relations Act 1999 you have the right to have a representative of your choice present if you make a reasonable request.

After the meeting the Chair of the Panel will give you a decision in writing, normally within 24 hours.

If it is necessary to gather further information before making a decision you will be informed of this and the likely timescale involved.

Appeal

If you are unhappy with the Panel's decision and you wish to appeal you should let the Panel Chair know.

You will be invited to an appeal meeting, convened as soon as possible, and your appeal will be heard by an Appeals Panel which will consist of different Councillors from those who heard the grievance initially. You have the right to be accompanied by a representative of your choice at this meeting if you make a reasonable request.

After the meeting the Chair of the Appeals Panel will advise you of the Panel's decision, normally within 24 hours. That decision is final.

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Disciplinary procedure

1. Purpose and scope

The Council's aim is to encourage improvement in individual conduct or performance. It aims to do this as far as possible via a process of probation and training, performance appraisals and informal coaching by line management. A "timely word" will normally be given in cases of minor infringements to try to avoid a situation where formal action is required.

This procedure sets out the action which will be taken when disciplinary rules are breached.

2. Principles

- The 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 employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a representative of their choice.
- An employee has the right to appeal against any disciplinary penalty.

3. The Procedure

Before any disciplinary action is taken by the Council, a notice in writing giving details of the allegations and signed by the chair of FERM Committee and authorised by the Committee shall be given to the employee. A meeting of the Council's Disciplinary Panel will be convened where the employee will have a full opportunity to answer the complaint. The Panel will be held in the absence of the public and press and the employee can if they wish be represented or accompanied.

Where the allegation is proven on the balance of probabilities then the Panel may impose one of the following sanctions:

Stage 1 – first warning

If conduct or performance remains unsatisfactory following (where appropriate) a "timely word" the employee may be given a written warning. Such warnings will be recorded, but disregarded after 12 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for

example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

Stage 2 – final written warning

If the offence is serious, or there is no improvement in standards, 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 results within a defined period, action at Stage 3 will be taken.

Stage 3 – dismissal

If the conduct or performance has failed to improve, or if the conduct constitutes gross misconduct, then dismissal may result.

Gross misconduct

If, after investigation, it is confirmed that an employee has 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 and gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the Council only after full investigation.

Appeals

An employee who wishes to appeal against any disciplinary decision must do so within five working days of receiving the decision of the Disciplinary Panel. The Council will convene a meeting of the Appeals Panel as soon as possible consisting of different Councillors from those who sat on the Disciplinary Panel. The appeals Panel's decision is final.