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Disciplinary & Grievance Policy and Procedure

Introduction

- 1 The Beaulieu Parish Council (“the Council”) seeks at all times to take a positive attitude to staff morale, setting high standards and expectations, providing support, and rewarding employees including through constructive feedback.
- 2 In the unfortunate event that there is a disciplinary or grievance matter, the Council shall follow a full and fair procedure in line with the [Acas Code of Practice](#).
- 3 This Policy and Procedure is set out as follows:
 - A: Policy
 - B: Disciplinary procedure
 - C: Grievance procedure
 - D: Appeals procedure

A: Policy

- 4 Informal action will be considered, where appropriate, to resolve all disciplinary and grievance matters.
- 5 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 6 If the Council considers formal action is appropriate, the employee will be advised of the nature of the complaint against him or her in writing and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- 7 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- 8 At all stages of the procedure the employee will have the right to be accompanied including by a trade union representative or work colleague.

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- 9 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 10 An employee will have the right to appeal against any disciplinary action.
- 11 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.
- 12 Unless agreed otherwise by Council, any disciplinary or grievance process will be managed by the Chair of the Finance & General Purposes Committee who will be accompanied in any meetings by one other Councillor that he/she chooses (together "the Managers").
- 13 All disciplinary and grievance matters will be handled confidentially so far as reasonably practicable.

B: Disciplinary Procedure

First stage of formal disciplinary procedure

- 14 This will normally be either:
 - a) an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent subject to achieving and sustaining satisfactory performance; or
 - b) a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (eg, six months).

Final written warning

- 15 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the

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timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal.

- 16 A copy of this written warning will be kept by the Chair of the Finance & General Purposes Committee but will be disregarded for disciplinary purposes after 6 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

- 17 If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as disciplinary suspension.
- 18 Dismissal decisions can only be taken after consultation with, and agreement of, the Finance & General Purposes Committee, which will act with the full delegated authority of Council. The employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 19 If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the Chair of the Finance & General Purposes Committee but will be disregarded for disciplinary purposes after 6 months subject to achievement and sustainment of satisfactory conduct or performance.

Gross misconduct

- 20 The following list provides some examples of offences that are normally regarded as gross misconduct:
- a) theft or fraud
 - b) physical violence or bullying
 - c) deliberate and serious damage to property
 - d) serious misuse of an organisation's property or name
 - e) deliberately accessing internet sites containing pornographic, offensive or obscene material
 - f) serious insubordination
 - g) unlawful discrimination or harassment
 - h) bringing the Council into serious disrepute

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- i) serious incapability at work brought on by alcohol or illegal drugs
 - j) causing loss, damage or injury through serious negligence
 - k) a serious breach of health and safety rules
 - l) a serious breach of confidence
- 21 If an employee is accused of an act of gross misconduct, he/she may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated.
- 22 If, on completion of the investigation and the full disciplinary procedure, the Managers in consultation with the Committee are satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

C: Grievance Procedure

- 23 If an employee has a grievance or complaint to do with their work or the people that he/she works with the first step should, wherever possible, start by talking it over with the person concerned. The Council encourages a solution to be agreed informally between the parties concerned.

Formal grievance

- 24 If the matter is serious or the employee wishes to raise the matter formally he/she should set out the grievance in writing to the Chair of the Finance & General Purposes Committee unless he/she feels unable to approach him/her, in which case talk to another councillor.

Grievance hearing

- 25 A meeting will be arranged, normally within five days, to discuss the grievance. An employee has the right to be accompanied including by a colleague or trade union representative at this meeting. A decision will be provided to the employee in writing, normally within 24 hours.

D: Appeals Procedure

- 26 If the employee wishes to appeal any decision taken under this policy he/she should write to the Chair of the Finance & General Purposes Committee setting out the grounds of their appeal. He/she will be invited to an appeal meeting, normally within five days. The appeal will be heard by two councillors not previously involved with the matter. An employee has the right to be accompanied, including by a colleague or trade union representative at this meeting. After the meeting the employee will be given a decision, normally within 24 hours. That decision is final.