

STANION PARISH COUNCIL

DISCIPLINE AND GRIEVANCE PROCEDURE

Document Number: 003

Version Number: 1.0

Document Information

Master Document: The electronic version of this document is the master. Printed copies may not contain the latest changes and should not be relied upon. The master document is published on the Stanion Parish Council (SPC) website.

Purpose: The purpose of this Procedure is to provide governance for discipline and grievance matters and outline the procedures for SPC staff and councillors to follow when dealing with matters of discipline and grievance in the work place.

Distribution: this Procedure will be made available to all SPC councillors and SPC staff via the SPC website.

Implementation: This Procedure will be implemented following consideration and adoption by the full Council.

Review: This document will be reviewed three years after its adoption, unless there are changes in legislation, or recommended best practice guidelines, in which case, it will be reviewed earlier, to comply with the statutory or recommended changes.

EIA Requirement: An Equality Impact Assessment has been carried out and no adverse impact has been identified.

Financial Implications: This Policy and Procedure has no financial implications for SPC.

Procedure Statement

This procedure is a formal, strategic level document, which provides a statement of intent explaining how SPC will comply with the legislation and any related directives of its subject matter.

This is a mandatory document and does not allow for variations of practice. It is relevant to all members of SPC, staff employed by SPC. Non-compliance with this procedure may result in formal complaints being registered and/or disciplinary action.

This procedure provides a corporate framework on which discipline and grievance matters are to be dealt with. The procedure is based on the recommended procedure to be followed in these matters publicised by ACAS. It will be reviewed by a nominated councillor every three years unless there are changes in the legislation, directives, or recommended best practice guidelines that warrant earlier review and amendment. All amendments require the agreement of the full council and for agreement to be formally recorded.

An Equality Impact Assessment has been carried out on this Policy.

Duty to Undertake an Equality Impact Assessment

Public sector organisations have a legal duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups and foster good relations between different groups. Due regard comprises proportionality and relevance.

The EIA Tool

An Equality Impact Assessment (EIA) is a tool to ensure that we don't unwittingly exclude anybody from accessing the services we provide. Undertaking an EIA involves assessing the likely effects of our policies on people according to their 'protected characteristics'.

These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy
- maternity
- race
- religion and belief
- sex
- sexual orientation

An EIA should be applied to a Policy, Strategy, Plan, Function, Project, Service and Event. EIAs help to identify any inequalities in the provision of services, employment, or procedural practices, and minimise the risk of exposure to claims of discrimination.

Introduction

This procedure confirms the steps to be taken to ensure compliance with relevant legislation and provide transparency and consistency in the method by which discipline and grievance matters relating to the work place are dealt with. The method outlined in this document provides a standardised transparent process, which ensures that a fair and equitable approach is taken in dealing with matters of discipline and grievance. This process is managed by members of SPC.

PURPOSE AND SCOPE

This procedure is designed to help all SPC employees to achieve and maintain standards of conduct and job performance.

PRINCIPLES

Informal action will be considered where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the matter has been fully investigated. For formal action, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure, the employee will have the right to be accompanied by a trade union representative, or a work colleague.

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.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

THE PROCEDURE

First Stage of Formal Procedure

This will normally be either:

An Improvement Note for unsatisfactory performance if the performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, and any help that may be provided by the Council 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 12 months, but will then be considered spent, subject to achieving and sustaining satisfactory performance.

or

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 satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after 12 months.

Final written warning

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 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 to appeal. A copy of this written warning will be placed on the employee personal file and will be disregarded for disciplinary purposes after 12 months, subject to achieving and sustaining satisfactory conduct of performance.

Dismissal or other sanction

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 (as allowed in the Contract of Employment). Dismissal decisions can only be taken by the full Council,

and the employee will be provided in writing with the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

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 placed on the employee's personal file but will be disregarded after 12 months, subject to achievement and sustainment of satisfactory conduct of performance.

GROSS MISCONDUCT

The following list provides some examples of offences which are normally regarded as gross misconduct:

- Theft or fraud
- Physical violence
- Deliberate and serious damage to property
- Serious misuse of the Council's property or name
- Deliberately accessing internet sites containing pornographic, offensive, or obscene material
- Unlawful discrimination or harassment
- Bringing the Council into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage, or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence

If an employee is accused of an act of gross misconduct they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated (subject to the Contract of Employment). If, on completion of the investigation and compliance with the full disciplinary procedure, the Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

APPEALS

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The Chairman of the Council will hear all appeals, and their decision is final. At the Appeal, any disciplinary penalty imposed will be reviewed.

GRIEVANCE PROCEDURE

DEALING WITH GRIEVANCES INFORMALLY

If you have a grievance or complaint to do with work, you are required to raise the matter in the first instance with your line manager. You may be able to agree a solution informally between you.

FORMAL GRIEVANCE

If the matter is serious and/or you wish to raise the matter formally, you are required to set out your grievance in writing to your line manager. If the grievance relates to you line manager, then you should submit your written grievance to the Chairman of the Council, who will assign a Councillor to hear your grievance. You are required to provide only the facts and avoid language that might be regarded as insulting or abusive.

Where your grievance is against your line manager, and you feel unable to approach them, you may wish to first discuss the matter with another member of the Council.

GRIEVANCE HEARING

Your line manager (or another Councillor) will call you to a meeting, normally within five days, to discuss your grievance. You have the right to be accompanied by a work colleague or a trade union representative at this meeting, if you make a reasonable request to be accompanied.

After the meeting, your line manager (or another Councillor) will provide you with a decision in writing, normally within 24 hours.

APPEAL

If you are unhappy with the decision, and you wish to appeal, you should let your line manager (or another Councillor) know.

You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by the Chairman of the Council. You have the right to be accompanied by a work colleague, or a trade union representative at this meeting, if you make a reasonable request to be accompanied.

After the meeting, the Chairman of the Council will provide you with a decision, normally within 24 hours. The decision of the Chairman of the Council is final.

Signature: Signed on original

Date: 14.1.19