

Willoughby Parish Council

Disciplinary and Grievance Procedures

Disciplinary Procedure

Purpose and scope

The Parish Council's (Council) aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached.

Principles

- a. 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.
- b. 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 trade union representative or a work colleague.
- c. An employee has the right to appeal against any disciplinary penalty.

The Procedure

Stage 1 – first warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. 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 Council, 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 3 months, action at Stage 3 will be taken.

Stage 3 – dismissal or action short of dismissal

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

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, 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 employer only after full investigation.

Appeals

An employee who wishes to appeal against any disciplinary decision must do so to a named person in the Council within five working days. The employer will hear the appeal and decide the case impartially.

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. You may be able to agree on a solution informally between you.

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. You should stick to the facts and avoid language that is insulting or abusive.

Where your grievance is against the Chair and you feel unable to approach him or her you should talk to another councillor.

Grievance hearing

The Chair will call you to a meeting, normally within five working days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

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

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

Appeal

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

You will be invited to an appeal meeting, normally within five working days, and your appeal will be heard by another councillor.

You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the councillor will give you a decision, normally within 24 hours. The councillor's decision is final.

These Disciplinary and Grievance Procedures were approved at the Parish Council meeting held on 12th December 2023 and will be reviewed in two years.