



## **GRIEVANCE AND DISCIPLINARY PROCEDURE**

**The aim of our Grievance Policy is to resolve any grievance as swiftly and fairly as possible.**

**We will deal with any matter relating to employment with the exception of conduct and capacity and the outcome of disciplinary proceeding.**

**You have the right to be accompanied by a person of your own choosing, who may speak on your behalf, ask questions, but not answer questions put directly to you.**

**You and your companion/representative will be provided with any materials, papers etc necessary for you to make your case. We will make every effort to accommodate any person who has special needs, if we are advised of the situation.**

**You have the right of appeal against a decision of the panel.**

### **1. PROCEDURE FOR SETTLING GRIEVANCES**

- a. If an employee has a grievance, he/she should discuss this in the first instance with their immediate superior. If this does not lead to a resolution of the problem then the employee should discuss their grievance with the Clerk.
- b. The Clerk will reply orally as soon as possible.
- c. If the employee is dissatisfied with the reply he/she may then raise the matter with the Chairman and the grievance should be put in writing, of which the employee should keep a copy. The employee may have a representative present.
- d. As soon as possible after the meeting with the Chairman, the employee will receive a written confirmation of the Chairman's decision. The Chairman may refer the matter back with appropriate comments or reject the grievance.
- e. If the employee continues to be dissatisfied in respect of the original complaint, the grievance may therefore be taken to an appropriate committee, the Appeals and Complaints Sub-Committee (which consists of three councillors who are not leaders of a Committee), or a joint committee representative of Councillors and employees, or any other similar arrangements suitable for the purpose. The factors influencing the Council's decision in this regard will make allowance for local conditions and likelihood of settlement.
- f. If the Clerk should have a grievance he/she should discuss this in the first instance with the Chairman. If the grievance is with the Chairman then he/she should discuss this matter with the appointed Leader of the Appeals and Complaints Sub-Committee.
- g. The Leader will then reply orally to the Clerk as soon as possible.

## 2. DISCIPLINARY PROCEDURE

- a. Where an employee's work, conduct or omission are such as to warrant disciplinary action, the Clerk will give a warning to the employee. In the case of the Clerk warranting disciplinary action, the Chairman will give a warning to him/her.
- b. This may be done orally or in writing depending on the circumstances. A written warning will give the nature of the complaint and any implication thereof, and the fact that the employee has been notified of the warning.
- c. A further commission of a similar act, or of a subsequent but different offence, may result in a further warning, which may be a final warning depending on the circumstances. The employee's attention will be drawn to the fact that this is a final warning and will be confirmed in writing as soon as possible.
- d. Certain types of gross misconduct will lead to suspension on full pay. Some examples of behaviour that could amount to gross misconduct are as follows. This list is not exhaustive and offences of similar gravity will receive the same treatment.
  - i) Dishonesty associated with place of work or job undertaken
  - ii) Being unfit to perform duties satisfactory as a result of taking alcohol and/or drugs, not in accordance with medical advice
  - iii) Wilful disclosure of confidential information
  - iv) The sexual harassment of another employee can amount to gross misconduct in some circumstances and can also be a criminal offence
  - v) Acts of violence or vandalism in the course of employment
- e. Should any disciplinary action be reconsidered and withdrawn, any written reference to it will be removed from the employee's file and the employee notified accordingly.
- f. The Chairman may dismiss an employee in cases where previous warnings have been ineffective or suspend an employee for gross misconduct. Where the possibility of serious disciplinary action arises (including suspension) the employee will be interviewed by the Chairman and told why his/her services are considered unsatisfactory. The employee will have the right to be represented at this meeting if he/she so wishes.
- g. Suspension or other serious disciplinary action will be confirmed by letter under the signature of the Chairman. This letter will state the grounds for the action taken and confirm that the employee may appeal in the appropriate way to a committee where the employee will appear in person, with a representative if required.

- h. The contract of employment may be suspended either to enable investigations to be made where the possibility of dismissal may arise or where there are grounds for doubt as to the suitability of the employee to continue at work pending criminal investigations or as an alternative to dismissal. During the period of suspension the employee may receive up to full pay, referred to as suspension allowance.
  - (i) In the event of it being judged that the employee was not blameworthy, the suspension shall be terminated and the employee shall receive all monies to which he/she would have been entitled but for the suspension.
  - (ii) If the employee is judged blameworthy, but is allowed to continue in employment, the Council shall have discretion whether to make up the suspension allowance to equal the whole or part of wages withheld during the period of suspension.
  - (iii) If the employee is dismissed there is no entitlement to wages other than the sum (if any) due up to the date of suspension, but the employee will be allowed to retain any sum already paid as suspension allowance during the period of suspension.
- i. In the case of summary dismissal, the matter of any severance pay will be at the discretion of the Council.
- j. If at any time in the procedure the employee wishes to exercise his/her right of appeal against any form of disciplinary action that has been taken, the employee must do so within 20 working days of receipt of the warning or notification of termination of employment on disciplinary grounds, or written advice of other disciplinary action.
- k. This procedure does not apply to notice given:
  - (i) On termination of employment for which an employee has been specifically engaged.
  - (ii) In the event of redundancy.
  - (iii) Where less than six months' probationary service has been completed and dismissal arises from unsuitability for confirmation of appointment.

This document will be reviewed on an annual basis.

Reviewed and approved 9th March 2020

Signed .....

Cllr M Rouse - Chairman