

# MADLEY PARISH COUNCIL

## Grievance and Disciplinary Policy

### Objective

Employment law requires that an employer has the necessary procedures in place to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status.

### Policy

**Grievance Policy:** It is the Council's policy to ensure that employees with a grievance relating to their employment can use a procedure which can help to resolve grievances as quickly and as fairly as possible. This procedure is set-out at below.

**Disciplinary Policy:** It is the Council's policy to encourage improvement in individual conduct and performance and this policy establishes the action which will be taken when the Council's rules or acceptable standards are breached. This procedure is set-out at below.

**The procedures:** As detailed below are modified from the ACAS Code of Practice 2009 as set out in the Employment Act 2008 and these procedures apply to all employees of the Council. These procedures do not apply to members of the Council.

**Mediation:** Where appropriate, the opportunity for mediation will be put forward at any stage of a grievance or disciplinary procedure.

**Hearings and Appeals:** An initial Hearing panel constituted of two members of the Parish Council. An Appeals panel constituted of two Councillors not involved in the original hearing. These panels will be constituted as and when the needs occur.

## Grievance Procedure

**Informal discussions:** If the employee has a grievance about their employment, they should communicate this either verbally or in writing to the Council. Our anticipation is that the majority of concerns will be resolved at this stage.

**Grievance procedure:** If the employee feels that the matter has not been resolved through informal discussions, they may raise the matter formally with the Council.

The employee will be invited to attend a meeting (hearing) to discuss the grievance and be notified in writing of the decision. The employee has the right to be and be represented or accompanied by an individual of their choice at all grievance meetings.

The employee will be given the right to appeal against the decision.

**Appeals:** Any appeal will be considered by members of the Council who were not involved in the original hearing, and who will decide the case as impartially as possible.

## Disciplinary Procedure

**Principles:** This 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 the employee will be advised of the nature of the complaint, be given the opportunity to state their case, and may choose to be represented or accompanied by an individual of their choice. The employee will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.

The employee has a right to appeal against any disciplinary action taken against them.

The procedure may be implemented at any stage when the alleged misconduct warrants such action.

**Informal discussions:** Before taking formal disciplinary action, the Council will make every effort to resolve the matter by informal discussions with the employee. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

**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 6 further 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 a matter is sufficiently serious – for example because it is having, or is likely to have, a serious harmful effect on the Council, it may be considered necessary to move directly to a final written warning.)

**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 or change results within 12 months, the employee may be subject to dismissal. Unless dismissal involves gross misconduct, employees will receive a period of notice, or payment in lieu.

**Discipline and dismissal:** If facing dismissal or action short of dismissal such as loss of pay or demotion – the following minimum statutory procedure will be followed:

The employee will receive a written letter setting out the allegation and the basis for it. A meeting will be held to consider and discuss the allegation

The employee will be given a right of appeal, including an appeal meeting

The employee will be reminded of their right to be accompanied at any meetings

**Gross misconduct:** If after investigation, it is confirmed that the employee has committed an offence the normal consequence will be dismissal without notice or payment in lieu of notice. These offences include, but are not limited to: 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. Whilst alleged gross misconduct is being investigated, the employee may be suspended, during which time the employee will be paid their normal rate of pay. Any decision to dismiss the employee will be taken by the Council only after full investigation.

**Appeals:** If the employee wishes to appeal against any disciplinary decision, they must appeal, in writing, within five working days of the decision being communicated to you by the Council. Any appeal will be considered by members of the Council who were not involved in the original hearing, and who will decide the case as impartially as possible.