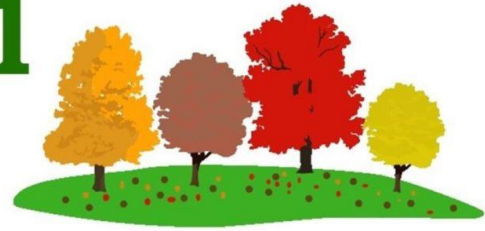


Sunningwell

Parish Council



[Agreed by the Parish Council on 28th November 2024]

Minute 155/24

GRIEVANCE AND DISCIPLINARY POLICY

Informal Grievances

If an employee is unhappy with an element of his/her employment with the Council, they should initially discuss the matter with the Chair on an informal basis.

If the employee is uncomfortable talking to the Chair, they should approach the Vice-Chair of the Council as an alternative.

Employee Conduct / Performance

Should the Council be unhappy with either the employee's conduct or performance, the Chair or Vice-Chair will initially discuss their concerns with the employee on an informal basis.

The purpose of this meeting will be to provide guidance and support to address the problem. For this reason, notes will be taken during this meeting, and all present will be asked to sign the notes. There is no entitlement to be accompanied.

Mediation

In the event that the employee is unhappy with the outcome of the Informal Grievance Procedure, or either party does not feel that performance / conduct issues are being addressed effectively, either the employee or the Council can request that the matter be subjected to mediation.

This will involve the use of a third-party mediator. In its simplest form, mediation will involve the mediator talking to either party individually, to listen to their side of the issue. If the mediator feels that a resolution to the problem is possible, a meeting will be arranged between all parties at which the mediator will set out their assessment of the issues and invite both parties to reach their own resolution.

The resultant action plan should have the agreement and support of both parties, be set out in writing and be signed by all involved in the mediation process.

Formal Grievances

In the event that a grievance is not fully resolved at the informal stage, a formal written approach is required. A formal Grievance Hearing will be held to address the matter within twenty-eight days of receipt of the Employee's letter.

The Hearing will be conducted by a Panel of two Council members who will be appointed by the Chair.

At this Hearing Employees are entitled to be accompanied. Employees will be informed in writing of the outcome of the Hearing within seven days.

If the Employee making the grievance is unhappy with the response to the Hearing, they can issue an appeal in writing. This appeal must be submitted within seven days of receiving the response to the original grievance meeting.

The Appeal Hearing will be heard by two different Council members within twenty-eight days of receipt of the Employee's appeal letter. At this meeting Employees are entitled to be accompanied. Companions are not entitled to answer on behalf of the Employee.

Employees will be informed in writing of the outcome of the Appeal Hearing within seven days.

Please Note

Any Formal Grievance complaint which concerns the conduct of a Councillor will be addressed as a Code of Conduct complaint by the Council and will be referred to the District Council's Monitoring Officer. This Council will not address the Employee's Formal Grievance against an Elected Member. It will be addressed by the Monitoring Officer.

Formal Discipline

If an issue regarding an Employee's conduct, behaviour or performance is not fully addressed by informal discussions, the Council will pursue the matter through its formal Disciplinary Procedures. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, poor conduct and behaviour at work, or lack of capability by an Employee to carry out their job.

This is a four-step procedure, which increases in the severity of its outcome if the issue is not resolved at the previous step. Each step involves a formal meeting between the affected Employee and a Disciplinary Panel made up of between two and three Council members, at which the Employee will be given every opportunity to put their side of the issue. Meetings will be conducted as soon as reasonably possible after the incident(s) which are being investigated to ensure that facts and witness statements are clear and up to date.

At this meeting Employees are entitled to be accompanied. Companions are not entitled to answer on behalf of the Employee.

If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council against the Employee:

1. Formal oral warning
2. Formal written warning
3. Final written warning
4. Dismissal with notice.

Particularly severe acts of indiscipline may result in the Council bypassing steps 1 and 2.

Employees will be informed by letter that they are required to attend a formal disciplinary meeting. This letter will include details of the allegation they are to answer, the date, time and

venue of the meeting, and also inform them of their right to be accompanied. Companions are not entitled to answer on behalf of the Employee.

Gross Misconduct-

Acts of Gross Misconduct, if proven after an appropriate investigation and a Disciplinary Hearing, will result in dismissal without notice.

Employees accused of Gross Misconduct will be suspended on full pay and receive a written invitation to a Formal Disciplinary Hearing, giving them details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied. The letter will provide a minimum of 2 working days prior notice to the meeting.

The Council recognises the following as acts of Gross Misconduct. (This is not an exhaustive list).

1. Theft.
2. Abusive or threatening behaviour of any nature.
3. Being under the influence of alcohol or drugs.
4. Dishonesty in dealings with the Council.
5. Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
6. Breach of confidentiality.
7. Failing to carry out reasonable Council instructions.
8. Fighting and acts of aggression.
9. Deliberately damaging Council property.
10. Deliberate breaches of Council Health and Safety procedures.
11. Unauthorised access to Council computer files, software or any other such breach of confidentiality.

Employees who have been dismissed for acts of Gross Misconduct have a right to appeal against their dismissal. Appeals should be submitted within a reasonable timescale following the dismissal and addressed to the Chair of the Council. A reasonable timescale would normally be no longer than a week following the dismissal. Employees submitting an appeal must make it clear that they are appealing against the decision to dismiss them and set out the reasons for their appeal.

Once the Chair has received notice of the Employee's decision to appeal, they will follow the Appeal Procedure detailed below.

Appeal Procedure-

Employees have the right to Appeal against a decision made at any Formal Disciplinary step. Appeals should be made to the Chair of the Council in writing and submitted within seven working days of the disciplinary meeting having occurred.

A Formal Appeal Hearing, involving the Employee and an Appeal Panel, will be held within fourteen days of receipt of the appeal request. At this meeting, Employees are entitled to be accompanied. Companions are not entitled to answer on behalf of the Employee.

The Employee making the appeal will be informed in writing of the outcome of the Appeal Hearing within seven days.