

# **Pulham St Mary Parish Council**

## **Grievance and Disciplinary Policy**

### **Grievance**

#### **The purpose of this policy**

PSMpc recognises the need to provide employees with a readily accessible procedure for addressing any problems or concerns they may have at work.

If an employee is unhappy about the treatment they have received or about any aspect of their work, they should discuss or address their concerns in writing, to the clerk or Council, who will attempt to resolve the situation on an informal basis.

However, where such informal dialogue has failed to resolve an issue of concern, then an employee may utilise this procedure in an effort to have an issue resolved to his/her satisfaction.

### **Procedure**

The employee should raise the formal grievance in writing with the Council. This should explain the nature and extent of the grievance and indicate the outcome the employee is looking for.

A meeting will be arranged between a specially convened sub-committee of the Council and the employee. The employee may be represented or accompanied by an individual of their choice. The meeting will be held to discuss the grievance in detail and the employee should take any documents or evidence they have regarding the grievance to the meeting.

The meeting may be adjourned for the completion of a full investigation into the matter. A decision will be taken by the sub-committee following the investigation and the grievance will be responded to in writing, usually within 5 working days of the meeting being held. The employee will be informed of actions to take if they wish to appeal the outcome.

### **Appeal**

If the employee is not satisfied with the outcome, they should write to the sub-committee chair setting out the reasons for their dissatisfaction.

Members of the Council not involved in the previous hearing, will give unbiased consideration to the matter and an outcome will be provided to the employee, usually within 5 working days.

There will be no further appeal, the decision on the grievance will be final.

- Where it is not reasonably practicable to adhere to the deadlines, both parties will discuss and agree any extension to the timelines.
- The Council reserves the right to seek assistance from external mediators at any stage in the grievance procedure. Where both parties agree to undertake mediation, the grievance process will be suspended whilst this is ongoing.
- Employees who raise concerns under this procedure will not be subject to any detrimental or less favourable treatment as a result of doing so.
- These procedures apply to employees and do not apply to members of the Council

## **Disciplinary**

### The Purpose of this Policy

PSMpc recognise that at times there are instances of conduct which require a formal process to be followed in situations such as performance, behaviour, attendance, conflict and fraud. Before taking formal disciplinary action, Council will make every effort to resolve the matter on an informal basis with the employee but when this fails to resolve the issue, the Council will follow its disciplinary procedures to ensure fairness and compliance with legal requirements.

## **Procedure**

The Council reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of an employee. Employees will not ordinarily be dismissed for a first disciplinary offence.

Employees have the right to be represented or accompanied at a formal disciplinary hearing by an individual of their choice.

The Council will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the Council's policies or rules or may otherwise be a disciplinary matter. The employee will be informed as soon as possible as to the fact of an investigation and when it has been concluded. The employee will be provided with a copy of the investigation report when completed.

Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited to attend a disciplinary hearing with a specially convened sub-committee of the Council.

In the event of a disciplinary hearing taking place the Council will:

Give the employee a minimum of five working days' advance notice of the hearing. Tell the employee the purpose of the hearing and that it will be held under the organisation's disciplinary procedure. Explain the employee's right to be accompanied at the hearing. Give the employee written details of the nature of his/her alleged misconduct. Provide to the employee a copy of the investigation report.

Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day, at a time agreed with the employee. If the employee is unable to attend the rearranged hearing, the rearranged hearing may take place in the employee's absence.

The employee will be entitled to be given a full explanation of the case against him/her and be informed of the content of any statements provided by witnesses.

The Council may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The employee will be informed of the period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, to consider the new information prior to the reconvening of the disciplinary proceedings.

As soon as possible after the conclusion of the disciplinary proceedings, the Council will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The employee will be notified of his/her right of appeal under this procedure.

## **Disciplinary Action**

Where, following a disciplinary hearing, the Council establishes that the employee has committed a disciplinary offence, the following disciplinary action may be taken:

Where a minor offence or offences have been committed, a **recorded oral warning** may be given. The warning will inform the employee that any further misconduct will render the employee liable to further, more severe disciplinary action and specify the period that the warning will remain "live" (usually 6 months).

Where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a recorded oral warning that remains "live", the employee will receive a **first written warning**.

A first written warning will set out the nature of the offence committed and inform the employee that any further misconduct will render the employee liable to further, more severe disciplinary action and specify the period that the warning will remain "live" (usually 6 months).

If the offence is serious, or there is no improvement in standards or a further offence of a similar kind occurs during the period that a previous warning remains live, a **final written warning** will be given. The final written warning will set out the nature of the offence committed and inform the employee that if no improvement or change results in 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.

### **Gross misconduct**

If at any time the Council establishes that an employee has committed an act of gross misconduct, which is a serious and fundamental nature, that breaches the contractual relationship between the employee and the Council, the Council will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.

### **Appeal**

An employee may appeal against any disciplinary sanction imposed against him/her, with the exception of an informal oral warning. The appeal will be heard by members of the Council who were not involved in the decision to impose the disciplinary sanction on the employee.

An appeal should state the grounds of appeal and whether he/she is appealing against the finding that he/she has committed, the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

The employee must provide written notice of the appeal within five working days of being informed of the disciplinary sanction being imposed against him/her.

Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

Upon completion of the appeal, the decision will be conveyed to the employee. The decision will be confirmed in writing within 10 working days. The decision at the appeal is final.

**Reviewed April 21**

**To Be Reviewed every three years or sooner, if required April 24**