



ADOPTED DATE	REVIEW DATE
May 2024	May 2025

## **CARSINGTON & HOPTON PARISH COUNCIL DISCIPLINE & GRIEVANCE POLICY**

### **1. DISCIPLINARY ACTIONS**

#### **1.1 Rights and Responsibilities**

- i. The purpose of this policy is to ensure that the employer behaves fairly in investigating and dealing with allegations of unacceptable conduct or performance. Accordingly, the Council reserves the right to depart from the precise requirements of this policy in instances where it is expedient to do so and resulting treatment of the employee is no less fair.
- ii. It is also intended to ensure that any employee who feels unfairly treated whilst at work has the opportunity to raise a grievance and have it considered objectively by the Council.

#### **1.2 Principles**

- i. Disciplinary action is a process which the Council may choose to implement should the Council feel that the conduct or performance of an employee fall below the standards expected of a public service employee.
- a) General Rules of Conduct
  - All employees are expected to behave in a reasonable and professional manner carrying out all reasonable requests made by the employer that are compatible with the job description.
  - No employee should be under the influence of intoxicants during their hours of work.
  - Sleeping during work hours is not permitted.
  - Information or literature that offends reasonable morals should not be brought into the Council.
  - Gambling is prohibited during working hours.

- b) Examples of Misconduct
- Poor timekeeping
  - Unauthorised absence
  - Minor damage to Council property
  - Minor breaches of the terms and conditions of employment or job description
  - Failure to observe the working procedures, performance standards, policies and practices of the Council
  - Abusive behaviour
- c) Examples of Gross Misconduct
- Theft.
  - Abusive or threatening behaviour of any nature.
  - Being under the influence of alcohol or drugs.
  - Dishonesty in dealings with Management.
  - Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
  - Breach of confidentiality.
  - Failing to carry out reasonable Management instructions.
  - Fighting and acts of aggression.
  - Deliberately damaging Council property.
  - Deliberate breaches of Council Health and Safety procedures.
  - Unauthorised access to Council computer files, software or any other such breach of confidentiality.

### **1.3 Disciplinary Actions**

- a) Investigation and Informal Action
- i. Should information become known which suggests that an employee may have behaved in a way that is contrary to the general rules of conduct or an employee is believed to have committed misconduct, then disciplinary action will be considered.
  - ii. The first stage of the process will be to consider the alleged misconduct and advise the employee of the nature of the complaint against them. The employee will have an opportunity to state their case and will be provided with all reasonable evidence.
  - iii. No formal disciplinary action will be taken against an employee until the case has been put to the employee and initially investigated.
  - iv. At all stages, the employee will have the right to be accompanied by a fellow worker or trade union official.
  - v. Through all stages of the process matters will be dealt with by the Council without undue delay and all aspects of the process will remain confidential.
  - vi. Should the initial investigation reveal that formal action is not necessary a verbal warning may be given to the employee in order to correct minor breaches of performance or behaviour standards. Verbal warnings will be recorded on personnel files but will be discounted after six months.

b) Formal Investigations, Suspensions, Hearings and Appeals

- i. No formal disciplinary action will be taken until a full and proper investigation has been undertaken by the Council. Depending on the individual circumstances of the case the Council may give written notice of suspension pending investigation. Such notice will contain a brief description of the allegations and a date by which the suspension will be reviewed.
- ii. During any suspensions, normal terms and conditions of employment will apply except staff will not be allowed into Council premises unless and until authorised to do so by the Council.
- iii. An employee will have the right to appeal against any subsequent disciplinary penalty imposed.
- iv. If the Council decides to hold a disciplinary hearing, the employee will be given written details of the complaint and reasonable notice of the time, date and place at which the disciplinary hearing will be held. The panel will consist of a minimum of two councillors.
- v. During any hearing, employees will be given an opportunity to state their case and present any evidence in support of their case. All employees will have a right to representation by a work colleague or single trade union official.
- vi. Once the hearing has been held, the employee will be advised of the decision in writing within a reasonable time period. The decision will be based on all factual information presented at the hearing along with the employee's comments and contributions and any decisions will be made within the adopted working policies and practises of the Council.
- vii. Possible outcomes of disciplinary hearings include:
  - a. No action by the Council
  - b. Formal Written Warning
  - c. Final Warning
  - d. Termination of Contract
- viii. After the outcome of the hearing, the employee has the right to appeal against any decision. This should be raised in writing within 10 working days and should set out in full the grounds and reasons for the appeal.
- ix. The Organisation will then arrange an appeal hearing at a mutually agreeable time. The appeals panel will consist of a minimum of two councillors and no member of the Hearing Panel will sit on an Appeal Panel. During the appeal hearing, the employee will be given an opportunity to state their case and offer any fresh evidence that may overturn the Disciplinary hearing decision.
- x. The right to representation still remains. Any decisions taken at the appeal hearing are final.
- xi. All decisions made through the formal disciplinary process remain on an employee's personal file for a period of 12 months. After that time, they will

remain in your file but will not be active and will not be used as evidence in any subsequent disciplinary hearings.

#### **1.4 Settlement Agreements**

- i. Either the Council or the employee may wish to terminate their employment with the Council by way of a mutually agreed Settlement Agreement.
  
- ii. The Council may wish to address problems of poor performance, conduct or any other reasonable employment problem by offering an Employee who has been employed for two years or more, a mutually agreed incentive to terminate their employment subject to the following guidelines:
  - a. The employee is not obliged to accept this offer.
  - b. If they do wish to consider an offer, they have ten days to do so.
  - c. An Employee who has been offered a Settlement Agreement must be able to take legal advice on the offer, paid for by the Council at a reasonable expense. Agreements will not be implemented unless endorsed by the Employee's Legal Adviser in the form of an Adviser's Certificate.
  - d. Once an offer has been accepted by both parties the employment contract will terminate with full and final effect, without prejudice to either party, and a mutually agreed amount of compensation will be paid at an agreed date to the employee.
  - e. The offer of a Settlement Agreement is made by the Council on a Without Prejudice basis.

## **2. GRIEVANCE PROCEDURE**

2.1 The Organisation recognises from time to time, it may be necessary to redress grievances relating to employment. In this respect the Organisation policy is to encourage free communication to air and resolve any problems quickly.

2.2 The Organisation aims to ensure that there will be a fair and systematic approach to the enforcement of standards of conduct affecting all employees within the Organisation. This policy offers both an informal and more formal route for the resolution of issues that may arise from time to time.

### **2.3 Stage 1**

Individual issues should be raised by the employee initially on an informal basis. The Council or employee will endeavour to resolve any issues immediately and may choose to consult with others, internally or externally to the Council, as necessary. Issues should aim to be resolved within 7 working days.

### **2.4 Stage 2**

If the issue is not satisfactorily resolved at stage 1, or the employee feels that he/she may have been unfairly treated, there are two possible courses of action depending on the issue(s):

- a) Counselling Session.

Counselling sessions do not form part of the Council's Disciplinary Policy therefore, as an informal process, there is no right to representation. During

this session, the situation or issue(s) at hand will be discussed and areas for improvement will be agreed over a reasonable review period.

A plan, programme or additional training may be put in place to assist in situations where necessary improvements need to be made. Counselling sessions will have an outcome in the form of a memo agreeing the content and items discussed along with key points to action over the agreed review period.

b) Formal Grievance.

Employees should detail their grievance in writing or within 5 working days after the completion of stage 1. The employee should submit their grievance to their line manager (the Clerk/RFO to the Chairman of Council) or to a panel of at least two councillors and should state what their desired outcome is.

Where it appears that an offence may have occurred, or may have been committed, the facts will be sought by either the employee, the Manager or the Council, e.g., witness statements. As this is a formal process the right to representation remains by either a work colleague or trade union official (of which union you are a current member). Any information gained during this process will be taken and recorded.

The manager or panel hearing the grievance will consider the matter and come to a decision on what, if any, action is required. This will be communicated in writing within a reasonable timescale to all relevant parties

## 2.5 Stage 3

Employees have the right to Appeal against a decision made at the grievance hearing. Appeals should be made to the Chairman of the Council in writing and submitted within seven working days of the grievance hearing taking place.

2.6 A Formal Appeal Hearing, involving the Employee and an Appeal Panel of two councillors drawn from the Full Council (excluding those who sat on the original grievance hearing) will be held within fourteen days of receipt of the appeal request. At this meeting, the employee will be entitled to be accompanied by a representative or their Trade Union/SLCC representative.

2.7 The employee will be informed in writing of the outcome of the Appeal Hearing within seven days.

2.8 The decision of the appeal panel is final.

(This Policy will be reviewed and updated by the Council at least every four years.)