

HADLOW DOWN PARISH COUNCIL



DISCIPLINE AND GRIEVANCE POLICY

March 2023

Hadlow Down Parish Council has signed up to the Civility and Respect Pledge (certificate number 371). You, the employee and we, Hadlow Down Parish Council both agree that before resorting to formal procedures we will discuss the issues involved informally and try to reach a conciliation. Where necessary we will seek the services of an independent external expert to assist us in this process to help us reach an agreement which is satisfactory to both you and us.

We aim to deal swiftly and in a fair and consistent manner with a complaint from you that has not been resolved following an informal discussion. You must apply in writing to our Chairman for redress of any grievance relating to your employment and/or any disciplinary decision applied to you.

Both policies will be applied fairly, consistently and in accordance with the Equality Act 2010.

GRIEVANCE POLICY

The aim of our grievance policy is to resolve any grievance as swiftly, thoroughly and fairly as possible. We will deal with any matter relating to employment with the exception of matters of conduct and capability and the outcome of disciplinary proceedings. 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.

Our Chairman, or if the grievance is against them a Councillor, will report your application to a meeting of our Grievance Panel, held in the absence of the public and the press. At this meeting you will have an opportunity to set out your grievance. Your grievance will then be considered and a decision reached by our Grievance Panel.

At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved. The council will commit not to victimize the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

3-Step Grievance Procedure

Step-1 You set down in writing and submit to us the alleged grievance. A non-involved person must undertake a full investigation of the grievance;

Step-2 Within 5 working days we must hold a meeting with you for a discussion of the matter. Afterwards we must tell you the decision and that you have the right of appeal. We must confirm both our decision and your right of appeal in writing;

Step-3 If you exercise your right of appeal we must notify you, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting must take place within 25 working days of the council's receipt of the appeal. The appeal will be heard by a panel of three members who have not been involved in the case. We must then give you our final decision and confirm it in writing.

You are entitled to be accompanied by a person of your choice to the meetings at steps 2 and 3.

Modified 2-Step Procedure after employment has ended

Step-1 You set down in writing and submit to us the alleged grievance;

Step-2 We give our response in writing.

The 3-Step process will not apply where it is clearly unreasonable to do so as you have left employment with us. We both agree that in this case the modified 2-Step procedure will apply. We both agree that we may not have a face-to-face meeting with you, perhaps for reasons of long travel times, or that you are now working elsewhere and time off to attend a meeting would be difficult.

DISCIPLINE POLICY

We will take every possible step through good management practices and procedures to ensure that the relationship between you and us has not broken down. You must be made aware of any shortfalls in your performance prior to disciplinary action being taken in order that you have the opportunity to improve your performance.

Before any disciplinary action is taken by us, a notice in writing giving details of the matter, signed by our Chairman and authorised by us, will be given to you. A thorough investigation of the matter must have been undertaken by an unbiased investigator prior to this notice being given to you.

Procedure

First problem & a minor one - Verbal Warning given by our Chairman.

Second time & minor- Further Verbal Warning from our Chairman.

More serious matter - First Written Warning from us.

Second time & serious - Final Written Warning from us.

Gross misconduct - Suspension on full pay & Hearing.

It is not, of course, necessary to proceed through each level. Depending on how serious the matter is the procedure can, after proper consideration, go immediately to any higher stage.

We will keep a First Written Warning on file for 6-months then destroy it and we will advise you of the fact.

We will keep a Final Written Warning on file for 12-months then destroy it and we will advise you of the fact.

3-Step Dismissal Disciplinary Procedure

Step-1 We set down in writing and give to you the complaint of your conduct, capability or other matter that could result in disciplinary action or dismissal;

Step-2 Within 5 working days we must hold a meeting with you for a discussion of the matter. Afterwards, we must tell you our decision and that you have the right of appeal. We must confirm both our decision and your right of appeal in writing;

Step-3 If you exercise your right of appeal we must notify you, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting must take place within 25 working days of the council's receipt of the appeal. The appeal will be heard by a panel of three members who have not been involved in the case. We must then give you our final decision and confirm it in writing.

Modified 2-Step Procedure after employment has ended

Step-1 We inform you in writing of the details of the alleged misconduct that has led to your dismissal, what evidence we had for our decision to dismiss, and your right of appeal against our decision;

Step-2 If you wish to exercise your right of appeal then we must hold a meeting with you within 5 working days. We must then give you our final decision and confirm it in writing.

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.

We will make every effort to accommodate any person who has special needs if we are advised of the situation.

GROSS MISCONDUCT

This will be a substantial matter and is usually clearly recognized as such i.e. theft, deliberate harm to or misuse of Council property, causing harm or bullying or harassing a member of the public or a Councillor, etc. In a case of this nature and after the usual proper preliminary investigation you will immediately be suspended on **FULL PAY** and all our property must immediately be returned to our Chairman.