

**Westbourne Parish Council**  
**Discipline, Dismissal and Grievance Policy**  
**Adopted: 9 March 2017**

## **1.0: Introduction**

This policy is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:

- fulfil the duties specified in their contract of employment
- be honest and act beyond suspicion of dishonesty
- maintain high standards of integrity and conduct to protect the Council's image and reputation with the public
- know how to raise a grievance.

## **2.0: Disciplinary and dismissal policy**

This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct or underperformance. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- Unsatisfactory time keeping.
- Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- Failure to comply with rules and regulations applicable to job requirements.
- Failure by an employee to perform the duties and responsibilities of the post to the standard expected by the Council.
- Insubordination.

The following list provides examples of conduct that will normally be regarded by the Council as Gross Misconduct. The list is not exhaustive. These are examples only

- Refusal or repeated failure by an employee to carry out his or her duties.
- Falsification of documents or information (including expense claims).
- Unauthorised disclosure of confidential information.
- Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- Serious or repeated harassment (including sexual and racial harassment).
- Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
- Wilful damage to Council property.
- Theft, unauthorised use or possession of Council property or theft of the property of a fellow employee.
- Conduct bringing the Council into disrepute.
- Any other conduct that from time to time is defined by the Council as amounting to gross misconduct

## **2.1 Scope**

The procedure applies to all employees of Westbourne Parish Council.

## **2.2 Informal action**

In cases of minor misconduct or underperformance, the Council will deal with matters informally by discussing the issues with the employee and encouraging them to achieve the required standards. This will involve setting clearly defined objectives and /or standards, monitoring them over a reasonable time period and providing training and appropriate support. Such actions are not part of a formal disciplinary process.

## **2.3 Standard Council disciplinary procedure**

In the case of serious misconduct, or continued minor misconduct, or underperformance, the Council may deem it necessary to consider a formal disciplinary sanction. The following formal disciplinary procedure will be followed.

- The Council will investigate any alleged misconduct or underperformance and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
- If an employee is accused of any Gross Misconduct, he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s) and the holding of a disciplinary hearing. During this time, the employee should remain away from the workplace and should not contact colleagues or councillors without prior permission. The Council may require the employee to attend a meeting to investigate the circumstance of the alleged offence whilst suspended from work.
- Following the investigation the Council will write to the employee inviting them to attend a disciplinary hearing to discuss the matter. The Council will set out in writing the allegations of misconduct, underperformance concerns, or other circumstances which lead the council to contemplate taking disciplinary action against the employee. The employee will be warned if the disciplinary action might amount to dismissal.
- The employee will be provided with any relevant supporting evidence and a copy of this disciplinary policy. The letter will also advise the employee of their right to be accompanied at the hearing by a workplace colleague or trade union official.
- The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the letter before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- Disciplinary meetings will normally be convened within five working days of the council sending the employee the letter.
- If the time or date proposed for the meeting is inconvenient (either for the employee or for the employee's companion should he or she wish to be accompanied to the meeting) the employee may ask to postpone the meeting by up to five working days. If the employee fails to attend on this

second date, the hearing may proceed in their absence, or it may be postponed again should there be reasonable cause.

- The employee will have the opportunity to state their case at the disciplinary hearing. The Chairman of the meeting may adjourn the hearing to allow matters raised during the course of the meeting to be investigated. The employee will be informed of the period of any adjournment.
- After the meeting the Council will inform the employee of their decision and any applicable sanction in writing within five working days unless additional investigation is required.
- If the employee wishes to appeal against the decision he or she must notify the Council in writing within five days of receiving written notice of the decision. The employee should set out full grounds for appeal prior to the meeting.
- If the employee notifies the Council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- A disciplinary appeal meeting will normally be convened within seven working days of the Council receiving notification that the employee wishes to appeal. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to five working days.
- At the meeting any new evidence that the employee wishes to put forward will be considered together with any new evidence from the Council. The original disciplinary penalty will be reviewed but the sanction originally imposed will not be increased upon appeal. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated
- After the disciplinary appeal meeting, the Council will inform the employee of its final decision in writing within five working days
- If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.

## **2.4 Formal disciplinary sanctions following disciplinary hearing**

### **Verbal warnings**

Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a verbal warning, he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the council. A note confirming the verbal warning will be placed on the employee's personnel file and a copy will be provided to the employee. A verbal warning will normally remain in force for six months.

The verbal warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

## **3. Westbourne Parish Council, Disciplinary, Dismissal and Grievance Policy**

### **Stage 1: First written warning for misconduct**

In the case of a serious offence or repetition of an earlier minor offence, the employee will normally be given a first written warning. A first written warning will be issued by the Chairman of Westbourne Parish Council and will set out:

- the nature of the offence and the improvement required (if appropriate) and over what period
- the likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard
- that further offences will result in more serious disciplinary action
- the employee's right of appeal.

A first written warning will normally remain in force for six months.

The first written warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

### **Stage 1: First written warning for unsatisfactory performance**

In the case of a problem of continued underperformance, the employee will be given a first written warning of the need to improve performance. A first written warning will be issued by the Chairman of Westbourne Parish Council and will set out:

- the precise nature of the problem of performance and the improvement required and the timescale for improvement, together with review dates
- the likely consequences of failure by the employee to improve their performance to an acceptable standard
- that failure to improve will result in more serious disciplinary action
- the employee's right of appeal.

A first written warning of need to improve performance will normally remain in force for six months

### **Stage 2: Final written warning**

If performance does not improve, or if further misconduct occurs within the time period specified in a first written warning, or if the misconduct is sufficiently serious the employee will be given a final written warning following the disciplinary hearing. A final written warning will be issued by the Chairman of Westbourne Parish Council and will set out:

- the nature of the offence and the improvement required (if appropriate) and over what period
- the likely consequences of any further offence or a failure by the employee to improve his/her conduct to an acceptable standard
- that further offences will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal.

Final written warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A final written warning will normally remain in force for 12 months.

### **Stage 3: Dismissal without notice**

If there is insufficient improvement after the period notified in Stage 2, the employee will be dismissed with the appropriate notice following the disciplinary hearing.

A letter will be sent to the employee detailing the reasons for the dismissal, the date on which their employment will terminate and the arrangements for the notice period. The letter will detail the employee's right of appeal.

### **2.5: Gross misconduct (dismissal without notice)**

If the Council finds the employee to be guilty of gross misconduct, his or her employment will be terminated summarily without notice or pay in lieu of notice following the investigation and the disciplinary hearing.

A letter will be sent to the employee by the Chairman of Westbourne Parish Council following the dismissal, detailing the reasons for the dismissal and the date on which the employment terminated. The letter will inform the employee of their right to appeal.

### **3.0: Grievance policy**

It is the Council's policy to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council. The policy describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance.

This policy is written in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008. This policy applies to all employees of the Council.

The objectives of the policy are:

- to foster good relationships between the council and its employees by discouraging the harbouring of grievances
- to settle grievances as near as possible to their point of origin
- to ensure the Council treats grievances seriously and resolves them as quickly as possible
- to ensure that employees are treated fairly and consistently throughout the Council.

Matters excluded from this policy are as follows:

- appeals against salary or gradings

- appeals against disciplinary actions
- Income Tax, National Insurance matters, rates of pay collectively agreed at the national or local level
- rules of pension schemes
- a grievance about a matter over which the Council has no control.

### **3.1: Informal grievance procedure**

In the interests of maintaining good working relations, the employee is encouraged to first discuss any grievance with the Clerk, or in the case of any grievance relating to the Clerk with the Chairman of the Parish Council, with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance, they should follow the procedure below.

### **3.2: Standard Council grievance procedure**

The employee must set out his or her grievance in writing (Statement of Grievance) and provide a copy to the Chairman of the Parish Council.

Once the Council has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance, the employee will be invited to attend a grievance meeting with the Chairman and Vice-Chairman of the Parish Council to discuss the matter.

- The employee must take all reasonable steps to attend the meeting.
- Grievance meetings will normally be convened within 14 days of the Council receiving the Statement of Grievance.
- The employee has the right to be accompanied to a grievance meeting by a fellow employee, a Trade Union representative or by a friend.
- If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to five working days.
- A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Chairman and Vice-Chairman time to consider the decision.
- After the meeting, the employee will be informed of the Council's decision within five working days. (The meeting may be reconvened for this purpose). The Council's decision will be confirmed to the employee in writing.
- If the employee wishes to appeal against the Council's decision, he or she must inform the Council within five working days of receiving the decision.
- If the employee notifies the Council that they wish to appeal, the employee must be invited to attend a grievance appeal meeting with three members of the Parish Council who do not have direct line management of the employee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee, a Trade Union representative or by a friend.

- A grievance appeal meeting will normally be convened within seven working days of the Council receiving notice that the employee wishes to appeal the decision. If the meeting time is inconvenient for the employee, or his or her companion, the employee may ask to postpone the meeting by up to five working days.
- After the grievance appeal meeting, the employee will be informed of the Council's final decision within five working days. (The meeting may be reconvened for this purpose). The Council's decision will be confirmed to the employee in writing.

### **3.3: Modified Council grievance procedure (for former employees)**

If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing (a Statement of Grievance) and provide a copy to the Chairman of the Parish Council.

Following receipt of a Statement of Grievance, the Council will either write to the ex-employee inviting him or her to attend a meeting to discuss the grievance, or to ask for the ex-employee's agreement to the Council responding to the grievance in writing.

If the ex-employee does not agree to the matter being dealt with by correspondence within seven working days of the Council writing to them, the steps outlined in section 2.2 will be followed. The meeting will be conducted by the Chairman of the Parish Council.

If the ex-employee does agree to the matter being dealt with by correspondence, the Council will consider his or her grievance and will respond to the ex-employee in writing within 14 days of the receipt of such confirmation setting out the basis for the Council's decision.