



# Great Gonerby Parish Council

## Grievance and disciplinary policy

1. **Introduction.** This policy applies to all Parish Councillors and employees. It is based on, and complies with, the 2009 ACAS Code of Practice (<https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>). It is designed to help Councillors and employees recognise when conduct or performance of a colleague falls to a level that is unsatisfactory and know what to do about it. Wherever possible, the Council will try to resolve its concerns about councillors' or employees' behaviour informally, without starting a formal complaint. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. **Policy application.** The Council recognises that misconduct and unsatisfactory work performance are different issues. However, this policy will apply to both to ensure that all alleged instances of employee / councillors' underperformance are dealt with fairly and in a way that is consistent with required standards.
3. **Definitions.** The following definitions apply to this policy:
  - a. **Grievance.** A grievance is behaviour that inflicts wrong or hardship on a person through injury, oppression or mistreatment. It is ideally resolved informally, using mediation if necessary.
  - b. **Misconduct.** Misconduct is behaviour that could lead to a formal complaint and disciplinary action but the preferred route to resolution is informal. This includes unauthorised absence, poor timekeeping, inappropriate behaviour, refusal to follow reasonable instructions, breach of health and safety rules or misuse of the Council's resources and facilities including telephone, email and internet. The Council will not normally take formal action against an individual on the first occurrence of misconduct unless it is deemed to be gross misconduct.
  - c. **Gross misconduct.** Gross misconduct is misconduct that is so serious that it is likely to lead to a formal complaint to the . This includes bullying, discrimination, harassment, incapacity at work because of alcohol or drugs, violent behaviour, fraud or theft, gross negligence, gross insubordination, serious breaches of health and safety rules, serious and deliberate damage to property, disclosure of confidential information, continued unsatisfactory work performance or use of the internet or email to access pornographic, obscene or offensive material.
4. **Informal resolution.** The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the person with the grievance should raise it with the person causing the grievance to see if an informal solution is possible. Both should try to resolve the matter at this stage. The

aggrieved individual can contact the chair or Vice Chair of the main Council or the Chair of the Staffing Committee, if appropriate, to try to resolve the issue informally through mediation. If that is not possible, then a formal complaint may be the only option.

5. **Formal complaint.** A formal complaint where it is considered that a councillor has breached the Code of Conduct should be registered with the District Council's Monitoring Officer. They will then assess whether it falls within the authority's legal jurisdiction, for example whether the councillor was acting as a councillor or representative of the Council at the time. If this is the case, the Monitoring Officer will then arrange for an investigation to be conducted.

6. **Suspension of employment.** If an employee is suspended following a formal complaint for misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the individual to confirm any period of suspension and the reasons for it.

7. **Grievance or complaint during an investigation.** If an Individual who is already subject to a formal complaint raises a grievance or complaint, it will normally be heard after the completion of the investigation.

8. **Information privacy.** Information about an individual's grievance will be restricted to those involved in the grievance / complaint investigation. A record of the reason for any grievance or disciplinary action and the action taken is confidential. The individual's disciplinary record will be held by the Council in accordance with the Data Protection Act 1998. Video or audio recordings of the proceedings at any stage of the investigation procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an individual's medical condition.

9. **Investigation outcome.** Following the investigation, the Monitoring Officer can decide to take no further action or take disciplinary action, which can include a verbal warning, a written warning, a final written warning or dismissal. The Action imposed will remain in force unless and until it is modified as a result of an appeal (if one is raised).

a. **No further action.** No record of the matter will be retained on the Individual's personnel file and no further action will be taken.

b. **Verbal warning.** A verbal warning is usually issued for most first instances of misconduct. The Individual will be informed:

(1) Of the reason for the warning, the improvement required (if appropriate) and the period during which improvement is to be made.

(2) That further misconduct or failure to improve will result in more serious disciplinary action.

(3) Of the right to appeal.

(4) That a note confirming the verbal warning will be placed on their personnel file, that they will receive a copy and that the warning will remain in force for six months.

c. **Written warning.** If there is a repetition of an earlier grievance which resulted in a verbal warning, or an additional or more serious complaint was upheld, then the Individual may be given a written warning. A written warning will set out:

- (1) The reason for the written warning, the improvement required (if appropriate) and the period during which improvement is to be made.
- (2) That further misconduct or failure to improve will result in more serious disciplinary action.
- (3) The Individual's right to appeal.
- (4) That a note confirming the written warning will be placed on their personnel file, that they will receive a copy and that the warning will remain in force for 12 months.

d. **Final written warning.** If there is further complaint during the period of a written warning or if the complaint upheld is sufficiently serious, the Individual will be given a final written warning. A final written warning will set out:

- (1) The reason for the final written warning, the improvement required (if appropriate) and the period during which improvement is to be made.
- (2) That further misconduct or failure to improve will result in more serious disciplinary action, including dismissal.
- (3) The Individual's right of appeal.
- (4) That a note confirming the final written warning will be placed on the Individual's personnel file, that they will receive a copy and that the warning will remain in force for 18 months.

e. **Dismissal.** The Monitoring Officer will consider very carefully a decision to dismiss an Individual. If an Individual is dismissed, they will receive a written statement of the reason(s) for their dismissal, the date on which the employment will end and details of their right of appeal. They may dismiss an individual:

- (1) For gross misconduct.
- (2) If there is no improvement in the conduct which has been the subject of a final written warning within the specified period.
- (3) If another complaint investigation is upheld and has occurred after a final written warning has been issued and remains in force.

## Appeals

10. **Right to appeal.** Individuals have the right to appeal against any disciplinary action. Their written notice of appeal must be submitted to the Monitoring Officer. It must specify the grounds for appeal. The Monitoring Officer will then make the necessary arrangements for the Appeal.

11. **Appeal Outcomes.** If the Appeal is successful, the Individual's personnel record will be amended to reflect the new decision. If the Appeal overturns a decision to dismiss the Individual, then the Individual will be paid in full for the period from the date of dismissal and continuity of service will be preserved.