



BRIZE NORTON PARISH COUNCIL

Disciplinary and Grievance Policy

Adopted by Full Council	Monday 11th May 2019
Last Review	September 2020
This Review	July 2021
Next Review	2023

THE PRINCIPLE

These procedures are designed to establish the facts, encourage consistency and enable Brize Norton Parish Council to resolve issues quickly and efficiently.

They are designed to help and encourage all Council workers to achieve and maintain high standards of conduct whilst at work or when representing the Council. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures set out in the Employment Act 2008 and the ACAS Code of Practice APR 2009.

To avoid a time consuming, stressful process, the disciplinary and grievance procedures should be clearly outlined and followed. When considering involvement in a disciplinary process, councillors should consider if behaviours are consistent with the seven general principles outlined in the Code of Conduct ('Nolan Principles').

Members of the personnel working party are delegated to determine matters in relation to the formal stage of the Discipline and Grievance Procedures.

Members of the personnel working party and the Clerk should receive training on disciplinary and grievance hearings.

The Disciplinary Process

Disciplinary matters are a response from an employer regarding an employee's misconduct or performance.

INFORMAL ACTION

Brize Norton Parish Council will carry out regular reviews or appraisals, where both parties (councillors and employees) can communicate confidentially through open two-way discussions, which may resolve issues through dialogue, training or development needs. The Council hope that with support, encouragement and training any issues can be resolved.

FORMAL ACTION

Investigate –

Although it is not always necessary in discipline cases to carry out a full investigation, cases of poor performance or misconduct should be investigated as soon as possible by the Council's personnel working party.

Employees with an allegation of gross misconduct should be suspended, for a short a time as possible, on full pay.

Inform –

If Brize Norton Parish Council decides that there is no case to answer then they will inform the employee in writing.

However, if the Council decides that there is a case regarding the alleged misconduct, the details should be communicated in writing advising the employee of the allegation and why it is unacceptable and outlining possible disciplinary outcomes.

Infraction	Action
1 st minor misconduct/ poor performance	Oral warning Action plan with review date <small>A note of an oral warning should be kept for 6 months</small>
Subsequent misconduct/ poor performance	Written warning Action plan with review date <small>A note of a written warning should be kept for 12 months</small>
Continued misconduct/ poor performance	Final written warning Action plan with review date <small>A note of a written warning should be kept for 12 months</small>
Continued misconduct/ poor performance whilst on a final written warning	Dismissal with notice of one month
Gross misconduct (fundamental breach of employment relationship: theft, fraud, physical violence/ bullying, gross negligence, serious subordination)	At discretion of Full Council: Summary dismissal (without notice), or dismissal with notice or final warning

In cases of misconduct, a report of the investigation, explaining the allegations, witness statements, documentation and other evidence, should be sent in writing to the employee.

The employee should be invited to attend a meeting in a letter detailing venue, timing and the employee's right to be accompanied. This should be held in a private location with no interruptions.

Meeting –

Ensuring the employee has had enough time to prepare, the meeting should be held as soon as possible (usually within a week), attended by at least three members of the Personnel Working Party. Meetings should be minuted, but not published.

Both the Council and the employee should present their case, present witnesses, examine evidence or ask questions.

- The Council's representative should state their case first.
- The employee (or their representative) should ask any questions to the Council
- The employee should present their case
- The Council should ask any questions of the employee
- The Council sums up their case
- The employee (or their representative) sums up their case
- The parties withdraw
- The Council confirms, amends or rejects the claim

If the employee is unable to attend any meeting the Council may decide whether to continue without them, although the employee must be represented and submit evidence. If the employee is unable to attend due to ill health, the Council may require a certificate from a GP.

Right to be Accompanied –

It is a statutory right for an employee to be accompanied in a disciplinary hearing. This may be a colleague, an accredited trade union representative or an official from a trade union.

Right of Appeal –

If the employee feels that

- the hearing was unjust
- new evidence has come to light
- the discipline procedure was not followed fairly

then they have a right to appeal within one week.

The appeal should be made to a panel of at least three councillors who did not attend the first hearing. This could be a complete rehearing or a review of the original decision. The employee still has a right to be accompanied.

The outcome should be communicated in writing as soon as possible to the employee.

Examples of misconduct:

- Unauthorised absence or persistent short-term or frequent absence from work without a medical reason
- Lateness, or poor time-keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other Society rules or procedures
- Failure to perform job to standard expected or in line with job description
- Time wasting
- Disruptive behaviour
- Misuse of Council facilities
- Refusal to carry out reasonable requests or instructions
- Smoking in unauthorised areas
- Failure to follow an agreed Council procedure

Examples of gross misconduct:

- Theft, fraud, deliberate falsification of records or other acts of dishonesty
- Fighting or assault
- Deliberate damage to Council property, workers of Councillors
- Gross incompetence
- Gross negligence resulting with the Council or employees being put at risk
- Under the influence of drugs or excessive alcohol
- Incitement towards acts of discrimination, harassment or victimisation on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- Subordination
- Breach of duty to keep information of the Council, its service providers and its clients confidential
- Unauthorised access of computer records
- Serious breach of the Councils Data Protection Policy, Health & Safety Policy, Confidentiality or e-mail and Media Policy
- Any action, that brings the Council into disrepute
- Serious negligence causing a significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Council funds or credit
- Working with an external agent to provide information which would be detrimental to or cause commercial risk to the Council

The Grievance Process

Grievance matters are a response by an employee regarding concerns, problems or complaints towards their employer.

INFORMAL ACTION

Employees of Brize Norton Parish Council should first consult verbally or in writing to the Clerk or if this is not possible, the Chair. If the complaint is about the Chair, the grievance should be brought to the Vice-chair, who is a member of the Personnel working party. Brize Norton Council hope matters will be resolved at this stage.

FORMAL ACTION

Investigate –

If it is not possible to resolve the issue informally, then the employee should submit a formal grievance in writing to the Clerk, the Chair or the Vice-chair. The Clerk's should address the vice-chair as the leader of the personnel working party.

Councillors with a declarable interest should seek advice before participating in decision making.

Discuss –

The Council's Personnel working party will invite the employee to a meeting to give them an opportunity to express their concerns in a confidential location, free from interruptions. The meeting should be minuted, but not published.

The employee may call witnesses with prior arrangement with the working party. Witnesses may be interviewed separately. The panel may ask the employee how they would like the grievance to be resolved and may take this into consideration when preparing their response.

If the Council requires further time to investigate the accusation the meeting may be adjourned.

Bullying or Harassment –

If a grievance concerns an allegation concerning bullying or harassment,

- the matter should be reported promptly to the Clerk or the Chair or Vice-chair if the incident involves the Chair.
- The complaint will be investigated and any resolution and actions taken will be reported back.
- If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed.
- If further review is necessary the employee will be notified.
- Disciplinary action may be instigated against any alleged perpetrators or if councillors a Code of Conduct lodged by the Council through the Standards Process.

Refer to the Dignity at Work Policy for further details.

Right to be Accompanied –

Employees have a right to be accompanied at a grievance hearing.

Action –

After the (reconvened) meeting, the Councils' personnel working party should communicate in writing to the employee stating if it upholds the grievance and the Council's intended actions.

Right of Appeal –

If the employee feels that

- the hearing was unjust
- new evidence has come to light
- the discipline procedure was not followed fairly

then they have a right to appeal within one week.

The appeal should be made to a panel of at least three councillors who did not attend the first hearing. This could be a complete rehearing or a review of the original decision. The employee still has a right to be accompanied.

Councillors must ensure that they are impartial during this process.

The outcome should be communicated in writing as soon as possible to the employee.

Where appropriate, the opportunity for mediation will be put forward at any stage of a grievance procedure.

SPECIAL CASES

If an employee raises a grievance during a disciplinary meeting, the grievance should be handled first. However, if the two cases are related then they can be handled concurrently.

CONFIDENTIALITY

A Council will keep any grievance or complaint of harassment confidential between the persons involved. If any other party is required to be involved, the employee must be informed.

RECORD KEEPING

A written record of all complaints must be kept along with the grievance raised, the employer's response, action taken (with reasons), detail of any appeal and subsequent developments in accordance with the Data Protection Act 1998.

EXTERNAL LEGAL PROCEDURES

In the event the Council should seek professional legal advice if an employee is dissatisfied with the internal procedure, as they may seek legal redress in the courts of employment tribunals.

In any case involving discrimination, legal proceedings may be made towards an individual councillor. The relevant Principle Authority (WODC) should handle complaints under the Council's Code of Conduct.