

EDGCOTT PARISH COUNCIL

Grievance and Disciplinary Policy 13



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I PURPOSE

Local Councils in England are required by statute to employ at least one employee (or Responsible Officer) who may act as their Clerk and/or their Responsible Financial Officer.

Edgcott Parish Council recognises that the efficient management of its duties as an employer is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council such as to ensure the timely and efficient compliance with its obligations and to deliver its duties in regard to the expectations of its employees and the residents of the Parish.

This Policy provides the framework within which Council will effectively manage and conduct its administrative arrangements in relation to facilitating a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status whilst also facilitating the development of staff and their performance - without reference to gender, age, nationality, religion, sexual orientation or any other basis of discrimination.

This policy also complies with the 2015 ACAS Code of Practise.1.

It lays out how Councillors and council employees are expected to abide by these requirements.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

This Policy has been drawn up within the context of the Parish Council's Equality Policy, Freedom of Information Policy and its Data Protection Policy and every effort has been made to ensure this Policy is consistent with other Council Policies where relevant.

NOTES:

- Where the word "councillor" is used, unless the context suggests otherwise, the meaning is intended to include non-councillors, with or without voting rights, and council employees.
- A 'co-opted member' is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A 'meeting' is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.
- Where gender specific wording is used, meaning is intended to be gender neutral.

II SCOPE – applies to all Members and employees.

III POLICY

3.1 GRIEVANCE PROCEDURE

General - This procedure is designed to establish the facts quickly and to deal consistently with grievance issues.

No action will be taken until the matter has been fully investigated.

At every stage the parties involved will be informed in writing of what is alleged and will have the opportunity to state their case at an investigatory meeting. They may be represented or accompanied, if they wish, by a trade union representative, friend or work colleague. A party to the dispute has the right to appeal against any decision.

Procedure - An employee who wishes to raise a grievance should notify the Chairman of the Personnel Committee by email. Or if the grievance concerns the Chairman of the Personnel Committee, to the Chairman and/or Vice Chairman of the Council. Or if the grievance is against the Chairman to the Vice Chairman and vice versa. All first respondents will seek to resolve the matter informally in the first instance.

If informal resolution is not possible or is not effective, then a panel consisting of the Chairman and/or Vice Chairman and the Chairman of the Personnel Committee or at least three Councillors who are not involved in the grievance, shall conduct a full investigation into the grievance. The panel shall hear the details of the case from each party, and written notes shall be taken of the process. The panel shall give written notice of its findings and decision to all parties. The panel shall also report to full Council at its next meeting having first excluded members of the public and press.

Appeals - An employee who wishes to appeal against a decision must do so to the Chairman of the Personnel Committee - or as above according to circumstances - within five working days. An employer panel of Councillors not involved in the decision will hear the appeal and decide the case as impartially as possible.

If, after the appeal procedure, the matter is still not satisfactorily resolved, the services of ACAS shall be utilised to provide a neutral and professional review.

3.2 DISCIPLINARY PROCEDURE

General - This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.

At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting – they may be represented or accompanied, if they wish, by a trade union representative, friend or work colleague. An employee has the right to appeal against any disciplinary penalty.

Procedure - Any Councillor becoming aware of potentially unsatisfactory performance should notify the Chairman and/or Vice Chairman of the Council who will seek to resolve the matter informally in the first instance.

If informal resolution is not possible or is not effective then the Chairman and/or Vice Chairman may move to Stage 1 of the formal procedure. Any such action shall be reported to the Council at its next meeting having first excluded members of the public and press.

Stage 1 – first warning If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded but disregarded after 12 months of satisfactory service.

The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

Stage 2 – final written warning If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 2 months, action at Stage 3 will be taken.

Stage 3 – dismissal or action short of dismissal If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

3.3 GROSS MISCONDUCT

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

Theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time they will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

3.4 APPEALS

An employee who wishes to appeal against any disciplinary decision must do so to the Chairman or Vice Chairman of the council within five working days. The employer will hear the appeal and decide the case as impartially as possible.