

DISCIPLINARY and GRIEVANCE PROCEDURE

1. Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees of Lydiard Millicent Parish Council. The aim is to ensure consistent and fair treatment within the organisation.

2. Principles

- Informal actions will be considered in the first instance, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated.
- For formal action the employee will be advised of the nature of the complaint against him / her and will be given the opportunity to state his / her case before any decision is made at a disciplinary meeting.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be started at any stage if the employee's alleged misconduct warrants this.

3. Formal Disciplinary Procedure

- a. First stage of formal procedure will normally be an improvement note for unsatisfactory performance, if performance does not meet acceptable standards.

The note will set out the performance problem; the improvement that is required; the timescale; any help that may be given and the right of appeal.

- i. The employee will be advised that it constitutes the first stage of the formal procedure.

- ii. A record of the improvement note will be kept for three months, but will then be considered spent – subject to achieving and sustaining satisfactory performance and the record destroyed.
- b. Second stage will be a formal letter detailing the employees continued unsatisfactory performance; or may be a first warning if misconduct is considered to be a more serious concern than “needing encouragement to improve” to achieve acceptable standards.
 - i. The letter will set out the nature of the misconduct and the change in behaviour required and the right of appeal.
 - ii. The letter will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.
 - iii. A record of the warning letter will be kept on the employees file for 12 months, but it will be disregarded for disciplinary purposes after six months.
- c. Final written warning. If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee.
 - i. This will give details of the offence, the improvement required and the timescale.
 - ii. It will also advise that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal.
 - iii. A copy of this final written warning will be kept on the employees file but will be disregarded for disciplinary purposes after six months subject to achieving and sustaining satisfactory conduct or performance.
- d. Dismissal. If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal. Dismissal decisions can only be taken by the full council; this course of action can not be delegated.
 - i. The employee will be provided in writing with reasons why their conduct is unsatisfactory together with a date of dismissal, the date on which the employment will terminate; and the right of appeal.
 - ii. If some sanction short of automatic dismissal is imposed, (a definitive time in which to improve behaviour, or make amends) the employee will receive details of the complaint, will be

warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal.

- iii. A copy of the dismissal warning will be kept in the employees file but will be disregarded for disciplinary purposes after 12 months, subject to achievement and sustainment of satisfactory conduct or performance.

- e. Gross misconduct. The following list provides some examples of offences which are normally regarded as gross misconduct:

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|------------------|--------------------------|---------------------------|
| ✗ theft or fraud | ✗ deliberately accessing | ✗ serious incapability at |
| ✗ physical | internet sites | work brought on by |
| violence or | containing | alcohol or illegal |
| bullying | pornographic, | drugs |
| ✗ deliberate and | offensive or obscene | ✗ causing loss, damage |
| serious damage | material | or injury through |
| to property | ✗ serious | serious negligence |
| ✗ serious misuse | insubordination | ✗ a serious breach of |
| of an | ✗ unlawful | health and safety |
| organisation's | discrimination or | rules |
| property or | harassment | ✗ a serious breach of |
| name | ✗ bringing the | confidence. |
| | organisation into | |
| | serious disrepute | |

- i. If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated.
- ii. If, on completion of the investigation and the full disciplinary procedure, Lydiard Millicent Parish Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

- f. Appeals. An employee who wishes to appeal against a disciplinary decision must do so within five working days. The chairman or vice-chairman will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

4. Grievances

- a. Lydiard Millicent Parish Council recognises that there may be occasions or circumstances when an employee has a concern regarding some aspect of their employment or the behaviour of others within the Council.
- b. It is Lydiard Millicent Parish Councils policy to encourage staff to resolve these issues at an early stage and, as far as possible, informally. If this fails, or the person affected considers the matter serious enough, it should be raised formally using this Grievance Procedure.

- i. The following matters cannot be considered under the procedure, except where the grievance has arisen out of the misapplication of other staff policies or procedures:
 - ✗ Disciplinary matters or appeals
 - ✗ Grievance against the Council as a whole in relation to stage 3 above
 - ✗ Matters relating to Income Tax, National Insurance, or any other statutory pay deductions
 - ✗ Appeals against grading
 - ✗ Personal Harassment
- c. It is expected that all grievances will be considered in a timely manner; on the mutual consent of both parties, modifications can be made to time lines in exceptional circumstances.
- d. If the grievance is not dealt with in accordance with times set out in this document or as agreed in (C) above the employee will be entitled to progress through the formal stage of the procedure.

5. Process for raising a formal grievance

- a. If a formal grievance is to be raised it must be registered within five days of the incident.
 - i. A letter, or report, of the incident detailing dates and times together with the nature of your concerns must be sent to the Parish Clerk
 - ii. If the Parish Clerk has a grievance the letter / report should be given to the chairman, or vice chairman if the incident involves the chairman.
- b. A meeting will be held with both parties to discuss the issues.
 - i. The meeting will usually be within 5 working days from receipt of the grievance,

- ii. Employees are entitled to be accompanied by a friend or trade union rep, who can act as a witness.
- c. The outcome of the meeting (above) and any further investigations will be given in writing within 7 working days of that meeting.
- d. There will be a right of appeal to the decision, which must again be registered within five days of receiving the outcome.
- e. Another hearing will be arranged, for the case to be considered a second time. The outcome of this hearing will be final and will be conveyed in writing within 10 working days.
- f. If a grievance is lodged against a member of Lydiard Millicent Parish Council, the clerk can seek advice from the Monitoring Officer at Wiltshire Council.

6. Further Advice

- a. The ACAS website contains general advice and should be referred to early in any disciplinary or grievance process.
- b. Lydiard Millicent Parish Council currently pay membership to the Wiltshire Association of Local Councils and the clerks fee to the Society of Local Council Clerks. Both organisations will be able to assist (or offer suggestions) at any of the stages above.

This document was considered and adopted at a meeting of Lydiard Millicent Parish Council held on Thursday xx XXX 2021. The minute reference being xxx/21.

A signed copy of this document is contained within Lydiard Millicent's Corporate Governance File located in the Parish Office.

Signed :
LMPC Chairman

Signed :
Parish Clerk