

# **KEGWORTH PARISH COUNCIL**

## **GRIEVANCE and DISCIPLINARY PROCEDURE**

### **Disciplinary procedure**

#### **1 Resolving issues informally**

Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. The Parish Council will use all reasonable efforts to reach an agreement with the employee on an informal basis. A quiet word is often all that may be required to improve an employee's conduct or performance in some cases additional training, coaching and advice may be what is needed. There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered too serious to be classed as minor, Kegworth Parish Council will provide employees with a clear sign of their dissatisfaction by taking formal action.

#### **2 Purpose and scope**

Kegworth Parish Council's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached or the employee's standard of work is unacceptable to the Council.

#### **3 Principles**

- (a) The 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.
- (b) At every stage an employee will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a work colleague or a friend.
- (c) Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- (d) An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- (e) An employee has the right to appeal against any disciplinary action.
- (f) The procedure may be implemented at any stage if an employee's alleged misconduct warrants such action.

#### **4 The Procedure Stage 1 – first warning**

If, despite informal discussions, conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and

the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note or warning will be kept for 6 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance. 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 Parish Council, it may be justifiable to move directly to a final written warning).

## **5 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 6 months, action at Stage 3 will be taken.

## **6 Stage 3 – dismissal or action short of dismissal**

If some sanction short of dismissal is imposed, 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. A copy of the written warning will be kept by the Parish Clerk but will be disregarded for disciplinary purposes after 6 months subject to achievement and sustainment of satisfactory conduct or performance.

If the conduct or performance has failed to improve, the employee may suffer dismissal. The employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate and the right of appeal.

## **7 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 consequences 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 he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the Parish Council only after a full investigation.

## **8 Appeals**

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

## **Grievance Procedure**

### **9 Dealing with grievances informally**

If an employee has a grievance or complaint to do with his or her work or the people he or she works with he or she should, wherever possible, start by talking it over with their manager (The Clerk). The Employee may be able to agree a solution informally between him or her and the Parish Council. If the Clerk has a grievance then he or she should talk it over with the Chairman of the Human Resources and Communications Committee.

### **10 Formal grievance**

If the matter is serious and/or the employee wishes to raise the matter formally he or she should set out the grievance in writing to the Clerk, if it is the Clerk who wishes to raise a grievance, then he or she should set out the grievance in writing to the Chairman of the Human Resources and Communications Committee. He or she should stick to the facts and avoid language that is insulting or abusive. Where his or her grievance is against his or her manager (the Clerk) and he or she feels unable to approach him or her he or she should talk to the Chairman of the Parish Council.

### **11 Grievance hearing**

The employee's manager (the Clerk) will call him or her to a meeting, normally within five days, to discuss the grievance. He or she has the right to be accompanied by a colleague, trade union representative or a friend at this meeting if he or she makes a reasonable request. After the meeting the Clerk will give his or her decision in writing, normally within 24 hours. Similarly, the Chairman of the Human Resources and Communications Committee will call the Clerk to a meeting as above and the same procedure followed.

### **12 Appeal**

If the employee is unhappy with the Clerk's decision and he or she wishes to appeal he or she should let the Clerk know. If the Clerk is unhappy with the decision of the Chairman of the Human Resources and Communications Committee he or she should let the Chairman of the Parish Council know. He or she will be invited to an appeal meeting, normally within five days, and his or her appeal will be heard by members of the Parish Council's Appeals Committee. He or she has the right to be accompanied by a colleague, trade union representative or a friend at this meeting if he or she makes a reasonable request. After the meeting the Clerk, or in the case of the Clerk the Chairman of the Human Resources Committee, will give him or her the Parish Council's decision normally within 24 hours. The Parish Council's decision is final.

Kegworth Parish Council,  
1 London Road,  
Kegworth,  
DE74 2EU.

1<sup>st</sup> December, 2014.