

ELLISTOWN AND BATTLEFLAT PARISH COUNCIL DISCIPLINARY PROCEDURE

Gross Misconduct

1. Acts of Gross Misconduct, if proven after an appropriate investigation and Disciplinary Hearing, *including searches of bags, coats and other personal effects*, will result in dismissal.
2. Employees accused of Gross Misconduct will receive a written invitation to a Formal Disciplinary Hearing, giving them details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a SLCC or other (or other Trades Union) representative. The letter will provide a minimum of 2 working days prior notice to the meeting.
3. The management recognises the following as acts of Gross Misconduct.
 - a) Theft.
 - b) Abusive or threatening behaviour of any nature.
 - c) Being under the influence of alcohol or drugs.
 - d) Dishonesty in dealings with management.
 - e) Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
 - f) Breach of confidentiality.
 - g) Failing to carry out reasonable management instructions.
 - h) Fighting and acts of aggression.
 - i) Deliberately damaging Council property.
 - j) Deliberate breaches of Council Health and Safety procedures.
 - k) Unauthorised access to Council computer files, software or any other such breach of confidentiality.

Employees who have been dismissed for acts of Gross Misconduct do have a right to appeal against their dismissal.

4. Appeals should be submitted within a reasonable timescale following the dismissal, and addressed to the Staffing Committee (or Review Committee if appointed). A reasonable timescale would normally be no longer than a week following the dismissal.

Employees submitting an appeal must make it clear that they are appealing against the decision to dismiss them, and set out the reasons for their appeal.

5. Once the management have received notice of the Employee's decision to Appeal, they will follow the Appeal Procedure detailed below.

Informal Grievances and Discipline

Informal Grievances

6. If a member of staff feels that they are unhappy with an element of their employment with the Council they should initially discuss the matter with the Chair of the Council or their Deputy on an informal basis.

7. If the Employee feels uncomfortable about talking to the Chair about their concerns, they should be able to approach any other member of the Staffing Committee (or Review Committee if appointed).

Informal Discipline Concerning Employee Conduct / Performance

8. Should the Chair / Council be unhappy with either the conduct or performance of an Employee, they will initially discuss their concerns with the Employee on an informal basis.
9. The purpose of this meeting will be to guide and support the Employee to help them address the problem and perform to a standard acceptable to management. For this reason the Chair will take notes during this meeting, decide what action should result from the meeting and ask the Employee to sign the notes.
10. Only the Chair and Employee should attend this meeting. There will be no entitlement to be accompanied.

Mediation

11. In the event that an Employee is unhappy with the outcome of the Informal Grievance Procedure, or either party do not feel that performance / conduct issues are being addressed effectively, either an Employee or Chair of the Council or their Deputy can request that the matter be subjected to mediation.
12. This will involve the use of a third party Mediator. In its simplest form, Mediation will involve the Mediator talking to either party individually, to listen to their side of the issue. If the Mediator feels that a resolution to the problem is possible, a meeting will be arranged between all parties at which the Mediator will set out their assessment of the issues and invite both party to reach their own resolution.
13. The resultant action plan should have the agreement and support of both parties, be set out in writing and be signed by all involved in the Mediation process.

Formal Grievances

14. In the case of Grievances not being fully resolved by the informal / mediation approach, a formal approach to the Chair is required, preferably in writing and stating clearly that the Employee wishes the matter to be addressed as a Formal Grievance. An Employee's Formal Grievance should set out the nature of the Grievance in as much detail as reasonably possible, and state what their desired outcome would be.
15. As a consequence the Chair will investigate whatever evidence is available concerning the Grievance and arrange for a formal meeting to be held to address the matter.
16. This meeting will be arranged as soon as reasonably possible. A letter of invitation to a Formal Grievance hearing will be sent to the Employee, usually within seven days of the Chair receiving the Employee's Grievance.
17. At this meeting Employees are entitled - and encouraged - to be accompanied by a SLCC or other representative.
18. Employees will be informed in writing of the outcome of the meeting within seven days.

19. If the employee making the grievance is unhappy with the response to the meeting, they can issue an Appeal. Details of the Appeal Procedure are given below.

Formal Discipline

20. If an issue regarding an employee’s conduct, behaviour or performance isn’t fully addressed by informal methods / Mediation, the Staffing Committee (or Review Committee if appointed) will pursue the matter through its formal Disciplinary Procedures. As a consequence the Staffing Committee (or Review Committee if appointed) will investigate whatever evidence is available concerning the disciplinary problem and arrange for a formal meeting to be held to address the matter.
21. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, failure to carry out tasks within an acceptable timescale, poor conduct and behaviour at work, or lack of capability by an employee to carry out their job.
22. Employees will be informed by letter that they are required to attend a formal disciplinary meeting. This letter will include details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a SLCC (or other) Representative.
23. This is a four step procedure, which increases in the severity of its outcome if the issue isn’t resolved at the previous step. Each step involves a formal meeting between the affected employee and the Staffing Committee (or Review Committee if appointed), at which the Employee will be given every opportunity to put their side of the issue.
24. Meetings will be conducted as soon as reasonably possible after the incident(s) which are being investigated to ensure that facts and witness statements are clear and up to date. At this meeting Employees are entitled - and encouraged - to be accompanied by a SLCC or other representative.
25. If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council management against the employee:

STEP No	ACTION TAKEN	LIVE PERIOD	MANAGER RESPONSIBLE
1	Formal Oral Warning	Six months.	Staffing Committee (or Review Committee if appointed)
2	Formal Written Warning	Six months	Staffing Committee (or Review Committee if appointed)
3	Final Written Warning	Twelve months	Staffing Committee (or Review Committee if appointed)
4	Termination of Contract of Employment	N/A	Staffing Committee (or Review Committee if appointed)

26. Particularly severe acts of indiscipline may result in the Management bypassing Step No 1.

Appeal Procedure

27. Employees have the right to appeal against a decision made at any stage of the Formal Disciplinary Procedure, the outcome of a Grievance Hearing, or dismissal caused by redundancy or sickness.
28. Appeals should be made to the Chair of the Council or their Deputy, preferably in writing and within a reasonable timescale following the action the Employee is appealing against. A reasonable timescale would normally be no longer than a week. Appeals made after one week will be considered if the Employee has a reasonable explanation for having taken so long.
29. Employees submitting an appeal must make it clear to the Chair of the Council or their Deputy that they are appealing against the decision affecting them, and set out the reasons for their appeal.
30. The Chair will then set up an Appeal Panel drawn from three members of the Council who are not members of the Staffing Committee (or Review Committee if appointed). A Formal Appeal Hearing, involving the Employee and the Appeals Panel will be held within fourteen days of receipt of the appeal request. At this meeting Employees are entitled - and encouraged - to be accompanied by a SLCC or other representative.
31. The Employee making the appeal will be informed in writing of the outcome of the Appeal Hearing within seven days of the formal meeting.

Adopted by the Council: November 2011