

# **EAST BERGHOLT PARISH COUNCIL**

## **Grievance and Disciplinary Policy**

### **Grievance Procedure**

East Bergholt Parish Council's policy is to ensure that an employee's grievance relating to their employment can be resolved through the following quick and fair procedure.

#### **1. Informal Discussion**

Employees should communicate any grievance either verbally or in writing to the Chairman of the Council. If the grievance is about the Chairman of the Council, the employee should communicate with the Vice Chairman of the Council. A grievance will be treated with discretion and confidentiality at all times. It is anticipated that the majority of grievances will be resolved at this stage.

#### **2. Escalation**

If the employee considers that the matter has not been resolved satisfactorily through informal discussion, the employee may raise the matter formally in writing to the Council.

#### **3. Formal Meeting**

Within five working days of receipt of an escalation, the Chairman or Vice-Chairman of the Council will arrange a meeting with the employee to discuss the grievance. The employee will have the right to be accompanied by a person of their choice at all grievance meetings. The companion is allowed to take part in the meeting, but cannot answer questions that are specifically put to the employee.

#### **4. Decision**

A decision by the Chairman or Vice-Chairman of the Council will be reached after consideration of all available evidence and representations. The employee must be informed of the decision without any unreasonable delay and must be informed of their right of appeal.

#### **5. Appeals**

If the employee is dissatisfied with the decision upon their grievance, they may appeal in writing against the decision within five working days of the decision being communicated to them. Any appeal will be considered by the Council, though any councillor who has been involved or implicated in the matter may not participate or vote.

## **Disciplinary Procedure**

East Bergholt Parish Council's policy is to encourage improvement in individual conduct and performance. This procedure sets out action which will be taken when the Council's rules or acceptable standards are breached.

### **1 Introduction**

This procedure is intended to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been investigated fully. At every stage of the procedure the employee will be advised of the nature of the complaint, be given the opportunity to state their case and can be represented or accompanied by a person of their choice.

The employee will not be dismissed for a first breach of discipline, except in the case of gross misconduct when, if proven, the outcome will normally be dismissal without notice and without pay in lieu of notice. The employee has the right to appeal any disciplinary action taken against them.

### **2 Informal Discussion**

Before taking formal disciplinary action the Council will make every effort to resolve the matter by informal discussion with the employee. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

### **3 First Written Warning**

If conduct or performance is agreed by the Council to be unsatisfactory, the employee will be given a first written warning which will be recorded in their personal file, but disregarded after six further months of satisfactory performance.

The employee will be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Where a matter is sufficiently serious, for example because it is having or is likely to have a serious harmful effect on the Council, it may be considered necessary to move directly to a final written warning.

### **4 Final Written Warning**

If the matter is serious, or there is no improvement in standards, or a further incident of a similar nature occurs, a final written warning will be given that will include the reasons for the warning and a statement that:

- (i) if no improvement or change results within six months the employee may be subject to dismissal.
- (ii) If there is any unrelated disciplinary charge brought against the employee within twelve months, the employee will be subject to dismissal.

Unless dismissal involves gross misconduct the employee will receive a period of notice or payment in lieu of notice.

## 5 **Discipline and Dismissal**

If the employee faces dismissal or action short of dismissal such as loss of pay, the following minimum statutory procedure will be followed:

- (i) The employee will receive a written statement setting out the matter and the basis for it.
- (ii) A sub-committee of the Council appointed for the purpose will arrange a meeting with the employee to consider the matter and make recommendations to Council.
- (iii) The employee will be given a right of appeal, including an appeal meeting of the Council.
- (iv) The employee will be reminded of their right to be accompanied at any meetings.

## 6 **Gross Misconduct**

If the sub-committee concludes that the employee has committed an offence of the following nature (the list is not exhaustive) the normal recommendation to Council will be immediate dismissal without notice or payment in lieu of notice:

- (i) Theft
- (ii) Damage to property
- (iii) Fraud
- (iv) Incapacity to work due to being under the influence of alcohol or illegal drugs
- (v) Physical violence
- (vi) Bullying
- (vii) Gross insubordination.

Whilst alleged gross misconduct is being investigated, the employee may be suspended by the Chairman of the Council during which time they will be paid at their normal rate of pay. Any decision to dismiss the employee will be taken by the Council and only after it considers the matter to have been investigated fully. Where conduct is indicative of a criminal offence the matter will be referred to the Police.

## 7 **Appeals**

If the employee wishes to appeal any disciplinary decision, they must appeal in writing within five working days of the decision being communicated to them. Any appeal will be considered by the Council, though any councillor who has been involved or implicated in the matter may not participate or vote.

***Approved and adopted by East Bergholt Parish Council: 14 October 2021  
Next review: October 2022***