

## **Monkton Farleigh Parish Council**

### **Disciplinary & Grievance Policy**

The disciplinary process is how Council can deal with concerns about employee misconduct or poor performance.

The grievance process is how employees can raise work-related concerns.

NALC has produced model disciplinary and grievance policies that contain the detailed procedures that councils should follow and these have been adopted by Monkton Farleigh Parish Council. Many disciplinary and grievance matters can be resolved informally but a formal policy helps Council deal with employment disputes fairly, consistently and in accordance with equality legislation. Council's policy complies with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

#### **General**

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently.
- c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a grievance against the council

#### **Procedure**

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the Council. In the case of the Clerk any grievance should be directed to the Chair of the Council unless the complaint is about the Chair in which case another Member can be identified to handle the Clerk's concerns. Written statements may be requested and mediation may be considered but matters will be treated with discretion and confidentiality at all times. Mediation may be appropriate at any stage of the disciplinary or grievance procedure and will be a confidential dispute resolution process that requires Council's and the employee's consent. The mediator will be an independent person who helps individuals or groups try to find a solution and will not make judgments or determine outcomes.

#### **Investigation**

In cases of misconduct, an investigation will be carried out as soon as possible. Different members will carry out the investigation and any subsequent disciplinary hearing. Investigations may be undertaken by an independent, external person if required. It may be necessary to suspend the employee pending investigation where there is an allegation of gross misconduct. This will be on full pay and for as brief a time as possible. If, following an investigation Council decides that there is no case to answer, it will inform the employee in writing. If Council decides there is a case to answer about the alleged misconduct, an employee will receive written information about the possible disciplinary outcomes. In cases of misconduct, the employee will receive a copy of the relevant investigation report with supporting witness statements and other evidence. The employee will be invited to attend a meeting and the letter will include details of venue, time and the employee's right to be accompanied.

#### **Meeting or Hearing**

The Chair of the appropriately convened Hearing Panel will arrange a meeting with the employee as soon as possible but the employee will be given reasonable time to prepare. The Panel will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. Proceedings will be minuted.

The employee and companion (if there is one) must make all reasonable efforts to attend. Employees have a statutory right to be accompanied by a colleague or a trade union representative to a grievance, disciplinary or appeal meeting. If the employee's companion is not available on the proposed date, the employee can request a postponement and can propose an alternative date within five working days of the original meeting. If the employee does not attend the disciplinary meeting, he/she will be given the opportunity to be represented and to make written submissions.

The Panel will investigate the substance of a complaint and hear submissions from the employee concerned together with such other submissions or evidence as appropriate. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Panel may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

### **Decisions**

Employees will be informed, promptly and in writing of Council's decision. If possible, the decision will be handed to the employee. The employee will be notified of the right to appeal.

An appeal may be raised if the employee thinks the finding, or action plan, is unfair; new evidence has come to light or the employee thinks that the procedure was not applied properly. On receipt of the appeal Council will convene an Appeals Panel which will arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as appropriate without unreasonable delay. The Appeals Panel will consider the issues and then take all such steps necessary to resolve those issues. Where the Council Chair has chaired the initial grievance meeting the Vice Chair or Chair of another committee will chair the Appeals Panel. The decision of the Appeal Hearing will be final. Council will ensure that the Members involved in the hearings act impartially and reasonably at all times. The outcome of the appeal will be conveyed to the employee in writing in a timely manner.

### **Grievances raised during Disciplinary Hearings**

In some circumstances when a disciplinary process has commenced an employee may choose to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. In line with ACAS advice, disciplinary matters will be placed on hold until grievances have been aired and actions towards a resolution have been progressed. Only in exceptional circumstances will it be appropriate to deal with the two disputes concurrently.

### **Data protection**

Information about disciplinary or grievance matters will be restricted to those involved in the disciplinary process. Any disciplinary action or grievance outcome will remain confidential. The employee's disciplinary and grievance records will be held by Council in accordance with the Data Protection Act 1998.

Adopted by Monkton Farleigh Parish Council on

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Review Date \_\_\_\_\_

