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## **Disciplinary and Grievance Procedure**

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## **Informal Grievances**

If you are unhappy with an element of your employment with the Council you should initially discuss the matter with the Clerk on an informal basis.

If you are uncomfortable talking to the Clerk, you should approach the Chairman of the Staff Working Party.

## **Employee Conduct / Performance**

Should the Clerk be unhappy with either your conduct or performance, they will initially discuss their concerns with you on an informal basis.

The purpose of this meeting will be to provide guidance and support to address the problem. For this reason, notes will be taken during this meeting, and all present will be asked to sign the notes.

The Clerk will facilitate this meeting and it is assumed that there should be no need for the staff member to be accompanied for this informal meeting.

## **Mediation**

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 the Council can request that the matter be subjected to mediation.

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 parties to reach their own resolution.

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**

In the case of Grievances not being fully resolved at the informal stage, a formal written approach is required to the Council. As a consequence, a formal Grievance Hearing will be held to address the matter, within twenty-eight days of receipt of the Employee's letter.

The Hearing will be conducted by a Panel of between two and three Councillors who will be appointed by the Staff Working Party.

At this meeting Employees are entitled – and encouraged – to be accompanied by a work colleague from the Council or Trade Union Representative. Employees will be informed in writing of the outcome of the meeting within seven days.

If the Employee making the grievance is unhappy with the response to the meeting, they can issue an appeal, in writing. This Appeal must be submitted within seven days of receiving the response to the original grievance meeting.

The appeal panel may decide to uphold the decision, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personal file.

The appeal panel's decision is final.

#### Please Note

Any Formal Grievance complaint which concerns the conduct of a Councillor will be addressed as a Code of Conduct complaint by the Council, and will be referred to the District Council's Monitoring Officer. This Council will not address the Employee's Formal Grievance against an Elected Member. It will be addressed by the Monitoring Officer.

#### Formal Discipline Formal Discipline (for Staff with two or more years continuous employment)

If an issue regarding an employee's conduct, behaviour or performance isn't fully addressed by informal discussions, the Staff Working Party will appoint a Disciplinary Panel of three Councillors to pursue the matter through its formal Disciplinary Procedures. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, poor conduct and behaviour at work, or lack of capability by an Employee to carry out their job.

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 Employee and a Disciplinary Panel, at which the Employee will be given every opportunity to put their side of the issue. 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 work colleague from the Council, or trade union representative.

If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council against the Employee:

STEP No	ACTION TAKEN	LIVE PERIOD	RESPONSIBLE
1	Formal Oral Warning	Six Months.	Clerk
2	Formal Written Warning	Six Months	Clerk
3	Final Written Warning	Twelve Months	Clerk
4	Termination of Contract of Employment	N/A	Disciplinary Panel made up of Staff Working Party

Particularly severe acts of in discipline may result in the Disciplinary Panel bypassing Steps 1 & 2.

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 work colleague from the Council, or Trade Union representative if they hold such membership.

### **Gross Misconduct**

Acts of Gross Misconduct, if proven after an appropriate investigation by the Clerk and Disciplinary Hearing, will result in dismissal without notice.

Employees accused of Gross Misconduct will be suspended on full pay and 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 work colleague or trade union representative. The letter will provide a minimum of 2 working days prior notice to the meeting.

The Management recognises the following as acts of Gross Misconduct.

- 1 Theft.
- 2 Abusive or threatening behaviour of any nature.
- 3 Being under the influence of alcohol or drugs.
- 4 Dishonesty in dealings with Management.
- 5 Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
- 6 Breach of confidentiality.
- 7 Failing to carry out reasonable Management instructions.
- 8 Fighting and acts of aggression.

- 9 Deliberately damaging Council property.
- 10 Deliberate breaches of Council Health and Safety procedures.
- 11 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. Appeals should be submitted within a reasonable timescale following the dismissal, and addressed to the Chair of the Council. 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.

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

### **Appeal Procedure**

Employees have the right to appeal against a decision made at any formal disciplinary step. Appeals should be made to the Chair of the Council in writing, and submitted within seven working days of the disciplinary meeting having occurred.

A Formal Appeal Hearing, involving the Employee, and an Appeal 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 work colleague from the Council, or a trade union representative.

The Employee making the appeal will be informed in writing of the outcome of the Appeal Hearing within seven days.