



RAUNDS TOWN COUNCIL

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DISCIPLINARY & GRIEVANCE PROCEDURES POLICY

1.0 Introduction

1.1 The Council always tries to deal with disciplinary issues and/or grievances fairly and promptly. This procedure sets out the framework under which allegations of misconduct and/or grievances will be investigated and considered. While the procedure set out in this policy will be appropriate in most cases, there may be situations in which it is not practicable to comply with a particular requirement of it. When this happens the Council will do its best to deal with the matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

1.2 The Council has adopted this policy document to ensure it is compliant with legislative requirements and to enable a fair and consistent approach to be taken in respect of the disciplinary rules relating to all employees and/or any grievances of employees which they may have relating to their employment.

1.3 This procedure will not apply in full to employees in their probationary period.

1.4 This policy does not form part of the terms of your contract of employment. The Council may need to alter or amend this policy or any part of the procedure contained within it to ensure that it remains relevant and consistent with the needs of the Council. Any such change will be notified to all employees and an up-to-date copy of the policy will be made available from the Town Clerk.

2.0 Standard Disciplinary Procedure

2.1 This Disciplinary Procedure will apply where the Council wishes to take action against an employee on grounds of misconduct or gross misconduct (Appendix 1 gives examples of what may constitute misconduct or gross misconduct). The Council has a separate policy for addressing performance and/or capability concerns, which is available from the Town Clerk.

Informal action

2.2 Most minor acts of misconduct can be dealt with informally through discussions between an employee and the Town Clerk or their line manager. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and no formal procedure needs to be followed in respect of them. The details of the meeting and content should be recorded and kept in the employees file and should also be signed and dated by them. This gives a paper record should further action be required.

2.3 Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered too serious, then the matter will be dealt with formally under this procedure.

Formal Action

2.4 Step 1: Investigation

If it is alleged that an employee has committed misconduct, an appropriate investigation will be carried out aimed at gathering all of the relevant evidence. The employee may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that s/he feels is relevant. The right to be accompanied (see below) does not apply to any investigatory interview.

2.5 Suspension

If an allegation of misconduct is made against an employee, then they may be suspended from their duties on full pay whilst the matter is being dealt with. The Council will make every effort to ensure that any period of suspension is kept as short as possible. The purpose of a suspension is either to allow an investigation to take place, or to protect the interests of the Council and its employees. During any period of suspension an employee may be instructed not to contact other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with them.

2.6 Step 2: Statement of Grounds for Action and Invitation to Hearing

Once the investigation has been carried out, the investigating officer will make a decision about whether there is sufficient evidence to warrant a disciplinary hearing. If there is the employee will be informed of this in writing by the Clerk to the Council* who will issue a written statement to the employee which sets out the employee's alleged conduct, or other circumstances which have led to contemplation of disciplinary action (including dismissal) and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible.

2.7 To ensure that the employee has adequate time to prepare for the hearing, the Council will provide them in advance with a copy of all of the written evidence that will be considered at the hearing. In exceptional cases the Council may need to withhold the identities of certain witnesses or hold back sensitive items of evidence. This will only be done where it is considered necessary to protect individuals or the essential interests of the Council and every effort will be made to ensure that the employee is given as much information as possible so that a fair hearing can be conducted.

2.8 Step 3: The Hearing

The employee will be invited to and given sufficient notice of any hearing to allow them to prepare for it. While this will vary from case to case, the Council will generally try to give at least two days' notice of any hearing and in complicated cases a longer period of notice may be given.

2.9 The purpose of the hearing will be to consider the evidence gathered during the investigation and to consider any representations made by the employee or on her/his behalf. The hearing will be conducted by a panel comprising of three Members of the Council, (including two Members of the Personnel Committee) who, wherever possible, have not previously been involved in the case and who were not responsible for carrying out the investigation.

2.10 The hearing will be held before any action is taken by the Council, unless the action consists of suspension (as in 2.6 above).

2.11 The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied at the hearing by a Trade Union representative or work colleague.

2.12 After the meeting the Chair of the Disciplinary Panel will inform the employee in writing of the decision of the panel and notify the employee of the right to appeal against the decision if he or she is not satisfied.

Disciplinary action

2.13 After considering all of the evidence, including any submissions made by the employee or on her/his behalf, the person conducting the hearing, the Chair of the Disciplinary Panel, will decide on the outcome. If misconduct is found to have taken place then the usual outcome will be a written warning, a summary of which will be placed on the employee's personnel file.

2.14 A first written warning will usually remain active for a period of six months, after which it will not be taken into account in any future disciplinary action. If, however a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, the employee will be issued with a final written warning.

2.15 A final written warning will usually remain active for one year, but a longer period may be specified if the manager conducting the hearing feels that the circumstances warrant it.

Dismissal

2.16 An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.

2.17 Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship between employer and employee. If an employee is accused of gross misconduct this will be made clear when they are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve dishonesty, violent or aggressive behaviour, the wilful destruction of Council property or a deliberate refusal to obey a reasonable instruction.

2.18 Step 4: The Appeal

If the employee informs the Clerk to the Council* in writing of their wish to appeal, the employee will be invited to attend a further meeting with a panel comprising of three Members of the Council who have not previously had involvement with the matter/s which are the subject of the appeal. The employee must then take reasonable steps to attend the meeting and has the same right of accompaniment as at the Disciplinary Hearing.

2.19 After the appeal meeting the Chair of the appeal panel will inform the employee in writing of the final decision of the panel. There will be no further right of appeal against the decision of the appeal panel.

Employee absence

2.20 It is important that disciplinary issues are dealt with promptly. The Council may therefore need to proceed with a disciplinary hearing even if the employee is absent due to ill health or simply does not attend. Before hearing the matter in an employee's absence, the Council will attempt to arrange the hearing in such a way that the employee will be able to attend or to submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on their behalf.

3.0 Grievance Procedure

3.1 It is the Council policy to ensure that any employee with a grievance relating to their employment has access to a fair procedure which will resolve any grievance as soon as possible. It may be that an informal discussion with the Clerk to the Council* may resolve the situation immediately thus negating the need to follow the formal procedure which follows below. In the event that a grievance cannot be resolved informally, an employee with a complaint relating to their employment should follow the formal process set out in this policy.

3.2 Step 1: Statement of Grievance.

Where an employee is aggrieved on any matter relating to their employment, they should set their complaint out in writing, indicating the basis for the grievance, and submit it to the Clerk to the Council*.

3.3 Step 2: Meeting

Following receipt of the written grievance the employee concerned will be invited to attend a meeting with the Clerk to the Council* to discuss their grievance. The employee must take all reasonable steps to attend the meeting. The employee has a right to be accompanied at the meeting by a trade union representative or colleague.

3.4 After the meeting the person conducting the hearing, the Chair of the Disciplinary Panel, will consider what the employee has said and may either deal with the matter immediately or decide to carry out further investigations. In that case the hearing will be adjourned until the investigation has been completed.

3.5 Once the investigations are concluded the meeting will then be reconvened and the employee will have the opportunity to consider and respond to the findings of the investigation. Only then will a decision on the outcome of the employee's grievance be made.

3.6 Once a decision is made the employee will be informed in writing of the decision in response to the grievance expressed and advised of their right of appeal against the decision if they are not satisfied.

3.7 Step 3: The Appeal

If the employee informs the Clerk to the Council* in writing of their wish to appeal the employee will be invited to attend a further meeting with a panel comprising of three Members of the Council. The employee will have the right to be accompanied by a trade union representative or colleague at the appeal meeting.

3.8 After the appeal meeting the Chair of the appeal panel will inform the employee of the final decision of the panel. The employee will have no further right of appeal against the decision of the appeal panel.

Allegations of misconduct

3.9 Where an employee is making allegations of misconduct on the part of other employees then the Council may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens, the grievance will be held over until the disciplinary process has been concluded.

Relationship with other procedures

3.10 Where an employee's grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then the Council may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

4.0 The right to be accompanied

4.1 Employees are entitled to be accompanied at any disciplinary or grievance hearing by a friend, fellow employee or trade union official of their choice. The Council will provide any chosen companion with appropriate paid time off to allow them to attend the hearing. It is, however, up to the employee in question to arrange for a companion to attend the hearing.

4.2 If an employee's chosen companion cannot attend on the day scheduled for the hearing then the Council will agree a new date. This will usually be within 5 working days of the date originally scheduled. If the employee's companion is not available within that timescale then they may need to find someone else to take their place.

4.3 The companion's role is to advise the employee during the hearing and make representations on her/his behalf; it is not to answer questions for them. However, both the employee and their companion are required to cooperate in ensuring a fair and efficient hearing.

**Where disciplinary and/or grievances procedures relate to the Clerk to the Council in his/her capacity as an employee of the Council, any action to be taken as outlined in this policy document shall be effected by the Town Mayor. They will take guidance from the appropriate bodies including the Council's HR advisors and NCALC.*

Adopted February 2015, Re-adopted November 2016, Amended January 2019
To be reviewed Bi-Annually

Appendix 1

The following list provides examples of **misconduct** which will normally give rise to formal disciplinary action:

- Unauthorised absence from work
- Persistent short-term and/or frequent absences from work without a medical reason
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other Society rules or procedures
- Failure to perform your job to the standard expected or in line with your job description/objectives
- Time wasting
- Disruptive behaviour
- Misuse of the council's facilities (e.g. telephones, computers, email or the internet)
- Refusal to carry out reasonable requests or instructions
- Smoking in unauthorised areas
- Failure to follow an agreed council Procedure

This list is not exhaustive, and offences of a similar nature will result in disciplinary action being instigated N.B. persistent or frequent absence on medical grounds and long term sickness absence will be dealt with using a procedure for Incapacity, which is described in the Absence Policy.

3.1.2 The following list provides examples of offences which are normally regarded as **gross misconduct**:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault on another person
- Deliberate damage to property of the council, its workers or members
- Gross incompetence in the conduct of work
- Gross negligence which results in the council or employees being put at risk.
- Being under the influence of illegal drugs or excessive alcohol
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- Serious acts of insubordination
- Serious breach of duty to keep information of the council, its service providers and its clients confidential
- Unauthorised entry to computer records
- Serious breach of the council's Security Policy, Health & Safety Policy, Confidentiality or e-mail and Internet Policy

- Any action, whether committed on or off the premises, that is likely to or does bring the council into disrepute
- Serious negligence which causes or might causes significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Society funds or credit
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the council.

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at Gross Misconduct level which carries a potential penalty of dismissal. Gross Misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.