

# THRAPSTON TOWN COUNCIL

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## DISCIPLINARY AND GRIEVANCE PROCEDURE

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Whilst the Council does not intend to impose unreasonable rules of conduct on its employees, certain standards of behaviour are necessary to maintain good employment relations and discipline in the interest of all employees. The Council prefers that discipline be voluntary and self-imposed and, in the vast majority of cases, this is how it works. However, from time to time, it may be necessary for the Council to take action towards individuals whose level of behaviour or performance is unacceptable. It will also occur where an employee knowingly breaks any legal requirement in connection with their employment.

This disciplinary procedure is non-contractual and does not form part of an employee's contract of employment.

Minor faults will be dealt with informally through counselling and training. However, in cases where informal discussion with the employee does not lead to an improvement in conduct or performance or where the matter is considered to be too serious to be classed as minor, for example, unauthorised absences, persistent poor timekeeping, sub-standard work performance, etc. the following disciplinary procedure will be used. At all stages of the procedure, an investigation will be carried out. This can include, where necessary, an investigation of social media websites (social media websites are a public forum, even if account privacy settings are set at a restricted access level).

The Council will notify the employee in writing of the allegations against him or her and will invite the employee to a disciplinary hearing to discuss the matter. The Council will provide sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to answer the case. This will include the provision of copies of written evidence, including witness statements, where appropriate.

Having given the employee reasonable time to prepare their case, a formal disciplinary hearing will then take place, conducted by the Town Clerk and a member of the Personnel Committee, at which the employee will be given the chance to state his or her case, accompanied if requested by a trade union official or a fellow employee of his or her choice. The employee must make every effort to attend the hearing. At the hearing, the employee will be allowed to set out their case and answer any allegations and will also be given a reasonable opportunity to ask questions, present evidence, call relevant witnesses and raise points about any information provided by witnesses.

Following the hearing, the Council will decide whether or not disciplinary action is justified and, if so, the employee will be informed in writing of the Council's decision in accordance with the stages set out below and notified of his or her right to appeal against that decision. It should be noted that an employee's behaviour is not looked at in isolation but each incident of misconduct is regarded cumulatively with any previous occurrences. Please note that the Council will deal with all disciplinary matters within a reasonable timescale. However, it reserves the right to extend these wherever necessary and if appropriate.

Examples of conduct that would lead to formal disciplinary warnings at any level being issued include:

- Failure to follow reasonable management instructions
- Unsatisfactory, inefficient or careless work performance
- Poor timekeeping and attendance
- Failure to follow sickness and absence reporting procedures

- Minor breaches of policies and procedures

**This is not intended to be an exhaustive list; each case will be judged on its own merits.**

### **Stage 1: Oral warning**

In the instance of a first complaint that conduct or performance does not meet acceptable standards, the employee will normally be given an ORAL WARNING. The meeting will not take the format of a formal disciplinary hearing but will be a meeting with the employee and the Town Clerk. He or she will be advised of the reason for the warning, how he or she needs to improve their conduct or performance and the timescale for achieving the improvement. A review date should be set and support available (where applicable) noted. A diary note or a brief file note of the meeting may be kept which will expire after six months.

### **Stage 2: Written warning**

If the employees conduct or performance is found to be unacceptable they will be given a formal WRITTEN WARNING. He or she will be advised of the reason for the warning, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved, that the warning is the first stage of the formal disciplinary procedure and the likely consequences if the terms of the warning are not complied with. The written warning will be recorded and will expire after six months, subject to satisfactory conduct and performance.

### **Stage 3: Final written warning**

Failure to improve performance or conduct in response to the procedure so far, a repeat of misconduct for which a warning has previously been issued, or a first instance of serious misconduct or serious poor performance, will result in a FINAL WRITTEN WARNING being issued. This will set out the nature of the misconduct or poor performance, how he or she needs to improve their conduct or performance, the timescale over which the improvement is to be achieved and warn that dismissal will probably result if the terms of the warning are not complied with. This final written warning will be recorded but will expire after 12 months, subject to satisfactory conduct and performance.

### **Stage 4: Dismissal**

Failure to meet the requirements set out in the final written warning will normally lead to DISMISSAL with appropriate notice. A decision of this kind will only be made after the fullest possible investigation. Dismissal can be authorised only by the Council. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

### **Alternatives to dismissal**

In some cases the Town Clerk may at their discretion consider alternatives to dismissal. These may be authorised by the Council and will usually be accompanied by a final written warning.

Examples include:

- demotion
- period of suspension without pay
- loss of seniority
- pay reduction
- loss of future pay increment or bonus
- loss of overtime
- transfer to another department or job.

## **Gross misconduct**

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases, the Council reserves the right to dismiss without notice of termination or payment in lieu of notice. Examples of gross misconduct include:

- any breach of the criminal law, such as theft
- any unauthorised possession or removal of Council products or property, or property belonging to another employee, client, customer or visitor, fraud (including making fraudulent or false expense claims)
- deliberate falsification of records, false declarations in connection with employment or applications for employment or any other form of dishonesty
- using the Council's property, materials or equipment to carry out work for third parties on a personal basis without permission
- offering, promising or giving a bribe or requesting, agreeing to receive or accepting a bribe or bribing a foreign public official in connection with employment contrary to the Bribery Act 2010
- wilfully or negligently causing harm or injury to another employee, Councillor or visitor, physical violence, assault, fighting, bullying or grossly offensive or aggressive behaviour or language
- deliberately or negligently causing damage to the Council's property or to property belonging to another employee, Councillor, resident or visitor
- causing loss, damage or injury through serious carelessness or gross negligence
- dereliction of duty, including sleeping whilst at work and undertaking unauthorised activities during normal working hours
- wilful refusal to obey a reasonable management instruction or serious insubordination
- serious incapacity at work through an excess of alcohol or illegal drugs, whether consumed on or off Council premises but which affects the employee's ability to carry out their duties whilst at work
- bringing illegal drugs, other illegal substances or weapons on to Council premises
- smoking in Council premises
- logging on to sexually explicit websites, downloading or circulating pornographic or other offensive, illegal or obscene material or using the Internet or e-mail for gambling, illegal activities or the sending of offensive e-mails (e.g. jokes) to work colleagues (in the latter case, including from the employee's home computer in their own time)
- posting derogatory, offensive, discriminatory or defamatory comments online (for example, on social media websites) about the Council, its employees, clients or customers or otherwise conducting themselves online in a way that is detrimental to the Council or brings the Council into serious disrepute, or is in breach of the Social Media Policy
- a serious breach of Health and Safety rules, including acts or omissions which endanger the safety of another employee, Councillor, resident or visitor
- a serious breach of security rules
- behaviour outside working hours or work location which either results in or has the potential to result in criminal charges or convictions which affect the employee's ability to perform their duties
- discriminating against, harassing, bullying or victimising another employee, Councillor, resident or visitor because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation
- a serious breach of confidentiality, including unauthorised access of computer and personnel records and communicating or leaking trade secrets or confidential information about the Council or its employees, Councillors, residents or third parties
- working for a competitor without permission
- engaging in an unauthorised activity which conflicts with the interests of the Council
- breaching copyright or any other proprietary interest belonging to the Council

- knowingly breaking a legal requirement in connection with employment
- bringing the Council into serious disrepute, even if done in the employee's own time
- unauthorised absence, including failure to return from a period of annual leave or other approved leave of absence

**The above is intended as a guide and is not an exhaustive list.**

### **Suspension**

In the event of serious or gross misconduct, an employee may be suspended on full basic pay while a full investigation is carried out. Such suspension does not imply guilt or blame and will be for as short a period as possible. Suspension is not considered a disciplinary action.

### **Appeals**

An employee may appeal against any disciplinary decision, including dismissal, to the Chair of the Personnel Committee within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by the Chairman of the Council or an independent chairperson appointed by the Council, and a minimum of two others with no previous involvement.

At the appeal hearing, the employee will again be given the chance to state his or her case and will have the right to be accompanied by a trade union official or a fellow employee of his or her choice.

Following the appeal hearing the employee will be informed in writing of the appeal decision. The Council's decision on an appeal will be final.

### **Grievance Procedure**

In any organisation staff may have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed.

Our grievance procedure provides for these matters to be dealt with fairly and quickly and we hope to resolve all problems before they become a major issue.

Your first resort should be to speak to the Town Clerk who will endeavour to quickly resolve the complaint.

If your grievance is not resolved to your satisfaction at this stage, you must then put the details in writing to the Town Clerk who will investigate the complaint, hold a meeting with you and, where possible, give you a response within 7 working days. You may, if you wish, be accompanied by a work colleague or any other person of your choosing at that meeting.

If your problem involves the Town Clerk, your complaint should be raised, in writing, directly with the Chairman of the Council. The Personnel Committee, who will investigate the complaint, hold a meeting with you and, where possible, give you a response within 7 working days.

Finally, if the grievance has not then been answered to your satisfaction, you have the right of appeal. You should set out in writing the grounds of your appeal within 7 working days and you will then be invited to a meeting with a member of the Personnel Committee not involved in the issue, as soon as reasonably practicable. You have the right to be accompanied at this meeting. The chair of the meeting has the right to adjourn to carry out further investigations. The final decision of the appeal will be given both in person and confirmed in writing.

Any decision made upon appeal will be final.

***The Town Council reserves the right to amend and update this policy from time to time.***

Adopted by Thrapston Town Council

24<sup>th</sup> September 2019

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Chairman

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Town Clerk