

# Thurlby Parish Council

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## **Disciplinary & Grievance Procedure**

### **1. Disciplinary Procedure**

a) Disciplinary procedures exist to ensure that complaints about unsatisfactory work and conduct are resolved quickly and with as much assistance and fairness as possible.

The following four simple stages will apply to unsatisfactory work and conduct subject to confirmation of the result at each stage.

Stage 1 - Verbal Warning: the Personnel Committee (**Chair, Vice Chair & one other Councillor**) of the Council explains to the employee the reasons for taking disciplinary action and discusses plans for overcoming the problem - the discussion and plans are recorded and the Chairman of the Committee agrees with the employee a reasonable time for review.

Stage 2 - Written Warning: if the Personnel Committee considers after the review that progress is unsatisfactory this will be stated in writing; there will be a discussion and the plan will again be recorded and a further reasonable time for review agreed.

Stage 3 - Final Warning: with reference to previous discussions and verbal warnings there will be a further discussion with the employee and a plan for review. The discussion will be recorded, a copy of which will be given to the employee clearly stating that subsequent lack of improvement may result in termination of employment.

Stage 4 - Termination - SHOULD IMPROVEMENT NOT BE MADE by the time of review the employee should be fully aware of why termination action is being taken. Notice will be given and assistance offered to enable the employee to find more suitable alternative employment.

In all of the above Stages the employee may be accompanied by a friend (**who must also be a member of the Council's staff**) or representative.

NB written records of discussion will be made and a copy will be given to the employee. Written warnings will normally lapse after twelve months satisfactory service and will then be removed from personal records.

Serious or Gross Misconduct - in cases of misconduct where the Personnel Committee is satisfied that an employee has committed serious or gross misconduct they may suspend an employee to enable an investigation to the fact to take place or may dismiss according to the circumstances. The employee's rights of appeal continue to apply.

Right to Appeal - against a disciplinary decision:

At all stages in the procedure the employee shall have the right of appeal to the Appeals Sub Committee, against a disciplinary decision. Notice of appeal must be made in writing within 7 days of the decision and a hearing will normally be held within a further 7 days. **(The Appeals Sub Committee will consist of 3 members of the council who have played no part in the decision to date.)**

The employee will be able to appeal in person and may be accompanied by a representative or a friend **(who must also be a member of the council's staff)**.

The Appeals Sub Committee decision will be notified immediately after the hearing and will be confirmed in writing within 5 days of the hearing.

## **2. Grievance Procedure**

1) This grievance procedure is available for all employees other than those excluded by reason listed (a) - (f) below.

a) Failure to comply with the relevant time limits in the procedure, unless a responsible manager concurs in a particular time limit being waived.

b) An attempt within six months of the completion of an action under the grievance procedure to restart the procedure in respect of the same or similar grievance unless any action decided upon to redress that grievance has not been implemented.

c) A declared grievance in connection with a matter for which the employee has been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by him or her.

d) A declared grievance in connection with allegedly unsatisfactory performance by an employee when the employee has been notified of the date of an interview or formal hearing concerning that matter.

e) A grievance about a matter over which the employer has no control.

f) An alleged grievance that is the subject of, or appropriate to; a collective disputes procedure between the employer and a union recognised by him/her.

2) The object of the grievance procedure set out below is to provide a means for dealing promptly with any grievance which an employee may have in the course of, and connected with, his or her employment. It is not a disciplinary procedure but a procedure to enable the worries and anxieties (if any) of the Councils employees to be articulated and understood so that employees can contribute to the success of relationships within the Council office.

3) Before taking up a grievance under the procedure, the employee is advised to consult his or her trade union or staff representative, if any, who may be able to deal with it on behalf of the employee.

4) For the operation of each stage of the procedure, and subject to paragraph 6 below, time limits are specified in paragraphs 7 and 8 below. If a grievance is not dealt with by an appropriate manager within a specified time limit, the employee shall have the right to proceed to the next stage of the procedure.

5) Where an employee fails to comply with a time limit the procedure will cease and the grievance will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the employee.

6) Neither paragraph 4 nor 5 will apply if the council and the employee agree that in a particular instance the time limits should be extended.

7) An employee with a grievance shall within seven working days of the grievance occurring first raise it with the Chair of the Parish Council who will be expected, whenever reasonably practicable, to provide a reply either orally or in writing within seven working days of the grievance being raised.

8) If, however, the Chair of the Council is the subject of the grievance and for this reason the employee does not wish the grievance to be heard by him or her, the employee shall have a right to have the grievance heard by the Personnel Committee, other than the Chair of the Parish Council.. To enable this to be arranged, the employee must submit the grievance in writing to the Parish Council with a request for this to be done. The person hearing the grievance shall provide the Chair with an opportunity to express his or her views about the matter without obligation to do so in the presence of the aggrieved employee.

9) When an employee feels that a grievance has not been satisfactorily resolved under paragraphs 7 or 8, he or she may take up the matter with the Appeals Sub-Committee of the council within seven working days of receipt of the decision. Any such request shall be in writing. The Appeals Sub-Committee will arrange to meet the employee and, if the employee so wishes, his or her union or employee representative within seven working days of receiving the employee's request for the matter to be taken to this stage. The Sub-Committee will then consider the matter put to them and be expected to reply in writing within a further seven working days if reasonably practicable. This shall be the final stage of the procedure.