

STISTED PARISH COUNCIL

Grievance & Disciplinary Procedure



Adopted on: July 2015
Reviewed on: May 2025
Next review due: May 2026

Stisted Parish Council Grievance and Disciplinary Procedures are modified from the ACAS Code of Practice as set out in the various Employment Acts. The review date will be brought forward if there are any significant changes in Employment Law

This procedure applies to all employees of the Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status.

Where appropriate, the opportunity for mediation will be put forward at any stage of a grievance or disciplinary procedure.

Employers and employees should always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible employers and employees should consider using an independent third party to help resolve the problem.

Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally.

Grievances are concerns, problems or complaints that employees raise with their employers.

Grievance Procedures

1. Let the employer know the nature of the grievance

If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance.

2. Hold a meeting with the employee to discuss the grievance
3. Employers should arrange for a formal meeting to be held without unreasonable delay after a grievance is received.
4. Employers, employees and their companions should make every effort to attend the meeting. Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary. Allow the employee to be accompanied at the meeting
5. Workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker. So this would apply where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation.
6. Decide on appropriate action

Following the meeting decide on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

7. Allow the employee to take the grievance further if not resolved

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should let their employer know the grounds for their appeal without unreasonable delay and in writing.

8. Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.
9. The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.
10. Workers have a statutory right to be accompanied at any such appeal hearing.
11. The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Disciplinary Procedures

1. Purpose of the Procedure

The Parish Council's aim is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken when the Council's rules or acceptable standards are breached.

2. The Principles

- This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and be represented or accompanied by a person of your choice.
- You will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- You have a right to appeal against any disciplinary action taken against you.
- The procedure may be implemented at any stage of your alleged misconduct warrants such action.
- If you request, you have the right to be accompanied at a disciplinary hearing by a fellow worker or trade union official.

3. Informal discussions

Before taking formal disciplinary action, the Parish Council will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

4. First warning

If conduct or performance is unsatisfactory, you will be given a written warning or performance note. Such warnings will be recorded but disregarded after 6 further months of satisfactory service. You will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where a matter is sufficiently serious – for example because it is having, or is likely to have, a serious harmful effect on the Council, it may be considered necessary to move directly to a final written warning.) There can be a second warning if necessary

5. Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement or change results within 12 months, you may be subject to dismissal. Unless dismissal involves gross misconduct, employees will receive a period of notice, or payment in lieu.

6. Discipline and dismissal procedure

If facing dismissal or action short of dismissal such as loss of pay or demotion – the following minimum statutory procedure will be followed:

- You will receive a written note setting out the allegation and the basis for it
- A meeting will be held to consider and discuss the allegation
- You will be given a right of appeal, including an appeal meeting
- You will be reminded of your right to be accompanied at any meetings.

7. Gross misconduct

If after investigation, it is confirmed that you have committed an offence of the following nature (the list is not exhaustive) the normal consequence will be dismissal without notice or payment in lieu of notice – theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination. Whilst alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal rate of pay. Any decision to dismiss you will be taken by the Parish Council only after full investigation.

8. Appeals

If you wish to appeal against any disciplinary decision, you must appeal, in writing, within five working days of the decision being communicated to you by the Parish Council. Independent members who were not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.