

Grievance and Discipline – Dispute Resolution

Conciliation and Mediation

Before resorting to formal procedures from the employee or from the Council it is the policy of the Council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of mediation seeking conciliation. Where necessary the Council will seek the services of an external expert to forward this process to each a conclusion satisfactory to both parties in the dispute.

Redress of Grievance

You must apply in writing to the Chairman for the time being of the Council for redress of any grievance relating to your employment and/or any disciplinary decision applied to you (ACAS Code of Practice on Disciplinary and Grievance Procedures) and the Chairman shall report any such application to a duly convened Grievance Panel meeting of the Council held in the absence of the public and the press and the matter shall thereupon be discussed and a decision reached by the Panel after using the 3-stage or 2-stage process, after you have had an opportunity, should you wish to explain, either personally or by a representative present with you orally to the meeting. The decision of the Grievance Panel will be referred to the full Council for ratification. Should you be dissatisfied with the Council's decision you have the right to make an appeal to the Appeals Panel of the Council. If a matter under this clause concerns the interpretation of any of the clauses relating to your contract or job description, that part of the dispute shall be referred in writing jointly to a joint panel of the National Association of Local Councils and the Society of Local Council Clerks and their joint decision shall be binding upon the parties hereto.

Under the provisions of the 1999 Employment Relations Act s.10 you have the right to have a representative of your choice present at any Grievance or Disciplinary hearing.

Disciplinary Rules

Before any disciplinary action of any kind is taken by the Council, a notice in writing giving details of the matter signed by the Chairman and authorised by the Council shall be given to you and you together with an adviser if this is so desired, shall be given a full opportunity to answer the complaint at a meeting of the Council Disciplinary Panel held in the absence of the public and the press. Should you be dissatisfied with the Council's decision you have the right to make an appeal to the Appeals Panel of the Council.

Under the provisions of the Dispute Resolution Regulations 2004 the Council is required to have in place a Grievance & Discipline Policy and must undertake to deal with any Discipline and Grievance matter using a Resolution of Dispute process. Should disciplinary proceedings be brought against you the Council will follow the procedures set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures (April 2009, as amended). If you remain dissatisfied, then your recourse is to an Employment Tribunal. Under the provisions of the 1999 Employment Act s. 10 you have the right to have a representative of your choice present at any Grievance or Disciplinary hearing.

Every effort will be taken to ensure that action taken under this procedure is fair and takes account of the principle of natural justice.

You will always be given information about what is alleged against you together with the opportunity to state your case and appeal against any decision you consider to be wrong and / or unjust.

All employees have the statutory right to be accompanied by a work colleague or trade union representative at any formal grievance or disciplinary hearing, and will be informed in writing of the outcome and their right to appeal. Appeals will, where possible, be heard by a panel not previously involved in the case.

Gross Misconduct

Where an employee is found guilty of gross misconduct he or she has the right of appeal against the decision. If the appeal fails then the result may well be summarily dismissal.

The following are some examples of conduct that are considered to amount to gross misconduct.

- ☐ Deliberate falsification of any records, including time sheets, absence records etc, in respect of yourself or a fellow employee;
- ☐ Serious breaches of the health and safety rules which endanger the lives of any other person;
- ☐ Intoxication, either caused by alcohol or drugs, dangerous behaviour, fighting or physical assault;
- ☐ The theft of money or property, whether this belongs to us, a fellow employee, or any third party;
- ☐ Gross insubordination and/or the refusal to carry out legitimate instructions given by supervisor or manager;
- ☐ The destruction, damage or sabotage of property;
- ☐ Any breach of legislation which directly affects your ability to carry out your duties and/or the expected standards of a person working in the public service;
- ☐ Any act of dishonesty.

All disciplinary action taken against you is based on the following procedure:

<u>Offence</u>	<u>First Occasion</u>	<u>Second Occasion</u>	<u>Third Occasion</u>	<u>Fourth Occasion</u>
Unsatisfactory Conduct	Verbal warning recorded on file	Written warning recorded on file	Final written warning recorded on file	Dismissal
Misconduct	Written warning recorded on file	Final written warning recorded on file	Dismissal	
Gross Misconduct	Dismissal			

Duration of warnings

Except in certain cases it is not the Council's intention for any form of warning to remain on your employee file indefinitely. Provided your conduct improves and remains at an acceptable level, warnings will be disregarded as follows:

Verbal warnings - disregarded after a six-month period, unless the particular offence is repeated or relates to a rule, which can only be broken on isolated occasions.

Written warnings - disregarded after a twelve-month period, unless the misconduct is of a serious nature or relates to a rule, which can only be broken on isolated occasions.

Final written warnings - disregarded after a twelve-month period unless the misconduct is of a serious nature or relates to a rule, which can only be broken on isolated occasions.

Council Property

Use of Council property for a purpose other than normal duties is not permitted.

No property is to be taken away from Council premises without prior explicit permission.

You must notify the Clerk to the Council of any damage to the property immediately, or the Chairman of the Council in case of the Clerk.