



New Alresford Town Council

DISCIPLINE & GRIEVANCE PROCEDURE

**This policy applies to all paid employees of New Alresford Town Council.
The Town Clerk shall be responsible for the management of these procedures.**

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 reach a conclusion satisfactory to both parties in the dispute.

Wherever possible, the council's policy is for management to address minor matters of misconduct or poor performance informally. Formal action will only be taken where informal action has failed or where a more serious incident has occurred. The Council reserves the right to initiate this procedure at whatever stage the Council considers to be appropriate, having regard to the particular nature of the misconduct.

The following formal procedures are intended to encourage employees to improve rather than to punish. They are designed to ensure fair and consistent treatment of all employees. Formal procedures will only be initiated once the Town Clerk has investigated the matter. A record of any investigation will be kept.

Examples of misconduct, which may lead to disciplinary action:

- Harassment or victimization of other staff or members of the public
- Refusal to carry out a reasonable instruction
- Abusive behaviour
- Discrimination against another employee or member of the public
- Drunkenness
- Negligence
- Poor work performance
- Improper disclosure of confidential information
- Time off work without permission
- Irregular attendance
- Misuse of Council time, equipment or assets
- Attitudinal problems

This list is not exhaustive or exclusive.

Examples of gross misconduct, which may result in immediate dismissal:

- Theft or fraud
- Violent or indecent behaviour
- Deliberate damage to property
- Bringing the council into disrepute including posting unacceptable comments or material on social networking sites
- Causing loss, damage or injury through serious negligence
- Serious breach of health and safety rules
- Serious breach of trust or confidentiality
- Criminal conviction, which affects the employee's suitability for their duties
- Any serious offence for which the employee has already received a written warning
- Breaches of offences under the Bribery Act 2010

This list is not exhaustive or exclusive.

FORMAL DISCIPLINARY PROCEDURE

1. An employee will be informed of any allegation of misconduct or poor performance and will be asked to attend a disciplinary meeting with the Town Clerk at an agreed time and place. The employee will be advised of their right to be accompanied by a companion. The Town Clerk will also be entitled to have a councilor or advisor present.
2. The companion may be a trade union representative or a fellow employee and has the right to speak and ask questions, but may not answer question on behalf of the employee. The employee would inform the Town Clerk prior to the interview if they wish to have a companion present and say who their companion will be. The companion may request reasonable time to speak with the employee in private during the meeting. Fellow employees acting as companions are entitled to reasonable time off with pay to prepare for the meeting.
3. In exceptional circumstances the employee maybe suspended from duty for a short period on full pay to permit investigation of an incident or to protect the council's interests. The suspension will not form part of the disciplinary procedure.
4. If the employee or their companion is unable to attend the meeting, they must inform the Town Clerk as soon as possible. In the event of non-attendance an alternative date within 5 working days will be offered. Where an employee fails to attend two successive interviews without good cause, a decision may be made in their absence and they will be informed of the result in writing.
5. At the disciplinary meeting, the Town Clerk will explain the complaint against the employee and put forward any evidence that has been gathered. The employee will be given the opportunity to answer the allegations made, ask

questions and present evidence. If necessary, witnesses may be called and both parties will be able to ask questions to them.

6. If during the disciplinary meeting, it becomes clear that the employee is raising a grievance, the disciplinary process maybe suspended for up to 5 working days to allow the grievance to be dealt with formally.
7. The Town Clerk has the authority to take any appropriate disciplinary action up and including dismissal.

Offence	Action	Lasts for
Minor misconduct Poor performance	Written Warning Written statement setting out the improvement required, a timescale for achieving this improvement, a review date and any assistance the council will provide to assist the employee	6 months 6 months form agreed review date
Further repetitions of the above Or Failure to improve performance	Final written warning	12 months
Gross misconduct Or Any misconduct within 12 months of receiving a final written warning	Dismissal	

If a warning is given, the Town Clerk will explain why and how the employee's behaviour needs to change and the consequences of failure to improve.

A warning will be disregarded for disciplinary purposes once the specified period has expired.

8. The employee will be notified to the decision in writing and advised of their right to appeal. An employee wishing to appeal should do so in writing within 5 working days of receiving the written notice.
9. Appeals will be heard by the Council's staffing panel (Executive Committee). The employee will be notified in writing of the time and place of the appeal hearing and of their right to be accompanied by a companion. The appeals procedure is set out in appendix. It is important that disciplinary and grievance matters are kept confidential by those involved as other Council members may be required at a later stage I the process.

10. The employee will be notified in writing of the outcome of the appeal within 3 working days
11. In the event of further misconduct, steps 1 to 6 above will be repeated.
12. A confidential record will be kept of all disciplinary proceedings, incorporating the following information.
 - The nature of the complaint
 - The employee's defence
 - The findings and action taken
 - The reasons for the action taken
 - Details of any appeal and its outcome
 - Any subsequent developments

An employee has the right of access to this information and should also be given copies of records of any meeting.

13. Where circumstances such as long-term illness, absence abroad or imprisonment of employee prevent any of the above steps being carried out, the council will take such steps as it is able to and this will not invalidate the disciplinary process.
14. Powers of suspension or dismissal rest solely with the Town Clerk, after consulting the staffing panel (Executive Committee) when exercising those powers.
15. If disciplinary action needs to be taken against the Town Clerk, the disciplinary hearing will be held by the Staffing Panel (Executive Committee) and any appeal will be heard by the Full Town Council minus the Executive Committee.

FORMAL GRIEVANCE PROCEDURE

Where employees have a complaint regarding their employment, they should take this up informally with the Town Clerk. If the Town Clerk is unable to resolve the problem within an acceptable timescale, the following procedure should be followed. An employee **MUST** have followed this procedure if they wish subsequently to use the grievance as the basis of an application to an employment tribunal

1. The employee should inform the Town Clerk of their complaint in writing.
2. The Town Clerk will invite the employee to a meeting to discuss the grievance as soon as possible.
3. The employee will be advised of their right to be accompanied by a companion, who may be a trade union representative, a fellow employee or a friend. The companion has the right to speak and ask questions, but may not answer questions on behalf of the employee. The companion may request reasonable time to speak with the employee in private during the meeting, Fellow employees acting as companions are entitled to reasonable time off with pay to prepare for the meeting
4. The employee should inform the Town Clerk prior to the interview if they wish to have a companions present and say who their companion will be.
5. During the meeting, the employee will be given an opportunity to set out their grievance. The Town Clerk may either agree a response, or adjourn the meeting to obtain professional advice. Once such advice has been received a further meeting will be arranged. The employee will be informed of the Town Clerk's response and advised of their right to appeal.
6. An employee wishing to appeal should do so in writing within 10working days of receiving the response. Appeals will be heard by the Town Council's staffing panel (Executive Committee) . The employee will be notified in writing of the time and place of the appeal hearing and of their right to be accompanied by a companion. The appeals procedure is set out in the appendix.

If a grievance is made against the Town Clerk, the first stage of the grievance process will be heard by the Staffing Panel (Executive Committee). The second stage (Appeal) will be heard by the Full Council minus the Executive Committee.

NEW ALRESFORD TOWN COUNCIL

APPEALS PROCEDURE

The following notes of guidance on the procedure adopted by the council for appeal hearings are issued for the information of members, the appellant and any representative of the appellants.

1. The clerk will be invited to put the case in the presence of the appellant and any representative of the appellant and to call witnesses if appropriate.
2. The representative of the appellant, or the appellant, will be invited to address questions to the clerk and any witnesses.
3. The council's Staffing Panel (Executive Committee), may address questions to the clerk and any witnesses
4. The representative of the appellant, or the appellant, will be invited to put the case for appeal and to call witnesses if appropriate.
5. The clerk will be invited to address questions to the appellant and any witnesses.
6. The members of the council's Staffing Panel (Executive Committee) may address questions to the appellant and any witnesses.
7. The clerk will be invited to sum up the case.
8. The representative of the appellant, or the appellant, will be invited to sum up the case for appeal.
9. The representative of the appellant, the appellant and all staff will be asked to withdraw while the council's Staffing Panel gives consideration to the case.
10. All parties will then be invited back and the decision of the council's Staffing Panel (Executive Committee) will be announced, which will be confirmed in writing.

Note: If during stage 9, the council's Staffing Panel wished to clarify any matters that have been discussed during the hearing, the parties will be recalled.

In any case where the Town Clerk is appealing against a disciplinary sanction, the appeal will be heard by the Full Council minus the Executive Committee.