

ELVASTON PARISH COUNCIL
GRIEVANCE AND DISCIPLINARY PROCEDURE

Elvaston Council Grievance and Disciplinary Procedures are modified from the ACAS Code of Practice 2009 as set out in the Employment Act 2008. 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.

1. GRIEVANCE PROCEDURE

- 1.1. Informal discussions: If you have a grievance about your employment you should communicate this either verbally or in writing to the Council. We hope that the majority of concerns will be resolved at this stage.
- 1.2. Grievance procedure: If you feel that the matter has not been resolved through informal discussions, you may raise the matter formally with the Council. You will be invited to attend a meeting (hearing) to discuss the grievance and be notified in writing of the decision. You have the right to be and be represented or accompanied by an individual of your choice at all grievance meetings. You will be given the right to appeal against the decision.
- 1.3. Appeals: Any appeal will be considered by members of the Council who were not involved in the original hearing, and who will decide the case as impartially as possible.

2. DISCIPLINARY PROCEDURE

- 2.1. 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 you may choose to be represented or accompanied by an individual 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 that your alleged misconduct warrants such action.
- 2.2. Informal discussions: Before taking formal disciplinary action, the 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.
- 2.3. 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.)
- 2.4. 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

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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.

- 2.5. Discipline and dismissal: 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 letter 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.
- 2.6. Gross misconduct: If after investigation, it is confirmed that you have committed an offence the normal consequence will be dismissal without notice or payment in lieu of notice. These offences include, but are not limited to: 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 Council only after full investigation.
- 2.7. 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 Council. Any appeal will be considered by members of the Council who were not involved in the original hearing, and who will decide the case as impartially as possible.

Minute Reference: