

# **WEST BLETCHLEY COUNCIL**

## **STAFF DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **DISCIPLINARY PROCEDURES**

All employers are required by law to document formal Disciplinary and Grievance procedures and to ensure that these are communicated to all staff.

This paper sets out the circumstances that will give rise to formal disciplinary action being taken against an individual employee and the process that will be followed.

Such circumstances will fall into 3 categories:

#### **1. Unsatisfactory Conduct**

Examples of Unsatisfactory Conduct:

- Continued failure to complete tasks as/when requested.
- Continued failure to complete tasks in accordance with required standards and/or within agreed timescales.
- Frequent “unsubstantiated” absence from work.
- Frequently reporting “late” for work.
- Consistent lack of cooperation with colleagues.

Actions to be taken

- Any member of staff whose conduct is considered to be “unsatisfactory” will be interviewed by the Clerk and/or the Chair of Finance and General Purposes or Vice Chair in their absence in order to discuss the nature of the unsatisfactory conduct and to formulate a plan to improve standards. A note of the interview will be placed in the employee staff file.
- A review date will be agreed, normally after a period of three months, in order to assess whether standards have improved sufficiently. In the expectation that standards are considered satisfactory at the review, no further action will be necessary. Should sufficient improvements not have been made, performance will then be considered as Misconduct – see below. A note of the further review will also be placed in the employee staff file.

#### **2. Misconduct**

Examples of Misconduct

- Persistent “unsatisfactory” conduct.
- Persistent aggressive behaviour towards, or bullying and/or sexual harassment of colleagues, members of the public or Councillors.
- Smoking on Council premises.
- Wilful damage to Council property.
- Actions which are likely to bring the Council into disrepute.
- Breaching Health & Safety rules

#### Actions to be taken

- Any member of staff who is considered to be guilty of misconduct, will be interviewed by the Clerk and/or the Chair of Finance and General Purposes Committee or Vice Chair in their absence in order to discuss the nature of the misconduct and to formulate a plan to improve standards. The employee may be accompanied at the interview by a fellow worker or trade union representative. Such attendance should be advised to the Clerk not less than 48 hours before the interview is due to take place. A note of the interview, signed by both the Clerk and the member of staff, will be placed in the staff file.
- At the initial interview, a review date will be set, which will not be more than 3 months after the initial interview. Performance will be monitored during the intervening period.
- In the expectation that at the review standards have improved sufficiently, no further action will be taken. Should this not be the case, performance will then be considered as Serious Misconduct (see below). A note of the outcome of the review, signed by both the Clerk and the member of staff, will be placed in the employee staff file.

### **3. Serious Misconduct**

#### Examples of Serious Misconduct

- Persistent Misconduct.
- Acts of violence against colleagues, members of the public or Councillors.
- Theft, fraud or gross negligence.
- Working while under the influence of either alcohol or drugs.
- Acting in such a way that would bring the Council into serious disrepute.
- Acting in a manner that would cause serious damage to Council property.
- Disclosing confidential information
- Use of the internet to access pornographic, obscene or offensive material

#### Actions to be taken

- Depending on the severity of the matter, the employee may be immediately suspended from work, on full pay, pending a full investigation and subsequent formal interview with the Clerk and the Chair of Finance and General Purposes Committee or Vice Chair in their absence.
- Such an interview will be arranged as soon as conveniently possible, only allowing for necessary evidence to be gathered by both parties. The employee may have a member of a recognised staff body in attendance at the interview. Such attendance should be advised to the Clerk not less than 48 hours before the interview is due to take place.
- At interview, a decision will be taken (to be ratified by a meeting of the Finance and General Purpose committee) as to the action that will be taken by the Council following the allegations of Serious Misconduct. The decision will be either:

- Formal Reprimand, in writing, recorded in the employee staff file. Such a reprimand is likely to include provision for summary dismissal of the employee should further acts of Serious Misconduct follow.
- Summary Dismissal, with immediate effect.

## **APPEALS PROCESS**

At any point during a disciplinary procedure, an employee has the right to “appeal” a decision made following disciplinary action. An appeal must be made in writing, within 15 days of the date of the disciplinary action, as follows:

- In cases of “misconduct”, appeal should be made in the first instance to the Chair of Finance and General Purposes Committee or the Vice Chair in their absence.
- In cases of “serious misconduct”, appeal should be made in the first instance to the Finance and General Purposes Committee.

## **GRIEVANCE PROCEDURES**

All employers are required by law to have a formal, documented policy for staff to follow, should they feel that they have a grievance against another member of staff, a supervisor/manager or (in the case of West Bletchley Council) a Councillor. All staff should be made aware of the policy and its contents.

Action to be taken

- Any grievance should, in the first instance, be resolved by the member of staff and the third party. If the matter cannot be resolved to the satisfaction of the member of staff, the matter should be referred to the Clerk.
- The Clerk will discuss the grievance with both the staff member and the third party and will, as a result of those discussions, recommend a course of action, which should be acknowledged by both parties.
- Should this further course of action not be acceptable to the member of staff, the matter should be reported, in writing, to the Chair of Finance and General Purposes Committee or the Vice Chair in their absence, with a copy being given to the Clerk.
- The Chair of Finance and General Purposes Committee or the Vice Chair in their absence will investigate the grievance, which will then be discussed at the next Finance and General Purposes Committee. The decision and any subsequent actions necessary, will be advised to the member of staff, the relevant third party and the Clerk.
- Should the grievance still be unresolved, the right of independent appeal is, initially, through the Chair of the Council.

**Revised October 2011**

**Reviewed March 18**

**Revised June 18**