Carbrooke Parish Council
Disciplinary and Grievance Policy

1 Disciplinary Policy Statement

Carbrooke Parish Council aims to help and encourage employees to achieve and maintain high standards of conduct whilst at work or when representing the Parish Council. This policy sets out the procedure which will be taken if disciplinary rules are breached by an employee. Wherever possible, the Council will try to resolve its concerns about an employee's behaviour informally, without recourse to the formal procedure laid out below.

2 Informal Advice and Guidance

The Council recognises that misconduct and unsatisfactory work performance are different issues. Where a minor breach of acceptable/established standards of conduct occurs which does not justify formal disciplinary action, the Council will advise the employee of the conduct or standard expected of him/her in the future.

3 Oral warning

In the case of minor infringements the employee may be given a formal oral warning by the Chair of the Council. A note of the oral warning will be kept on file, but will be disregarded for disciplinary purposes after six months. The employee has the right to appeal against a formal oral warning. If appropriate, the employee will be offered guidance, support and any additional training to achieve the necessary standards. Representation will not normally be appropriate.

4 Written warning

If the infringement is more serious or there is no improvement in conduct after a formal oral warning, the employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required; the timescale allowed for this; the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file, but will be disregarded for disciplinary purposes after twelve months.

5 Final written warning

Where there is a failure to improve or change behaviour, or where the infringement is sufficiently serious, the employee will be given a final written warning. This will give details of the complaint, warn that failure to improve may lead to dismissal and refer to the right of appeal. The final written warning will be kept on file, but will normally be disregarded for disciplinary purposes after twelve months.

6 Discipline or Dismissal

If the conduct or performance still fails to improve, the final step will be to contemplate dismissal. The Parish Council, as employer, must follow the Formal Disciplinary Procedure set out below. This is a statutory requirement.

7 Formal Disciplinary Procedure

The Disciplinary Policy will apply to work performance issues to ensure that all alleged instances of an employee's underperformance are dealt with fairly and in a way that is consistent with required standards and equality legislation. It is the Council's policy that the following procedure should be followed when an employee is being disciplined or dismissed.

The procedure provides that in normal cases a series of warnings will be given before discipline or dismissal is contemplated. However, it is accepted that there may be more serious cases where the Council will proceed straight to discipline or dismissal.

8 Levels of Misconduct

Misconduct is employee behaviour that can lead to the Council taking disciplinary action.

The following list contains some examples of misconduct:-

Refusal to follow reasonable instructions.
Misuse of Council resources and facilities, including the telephone, email and internet.
Inappropriate behaviour.
Poor timekeeping.
Unauthorised absences.

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice.

The following list contains some examples of gross misconduct:-

Theft from the Council, its members, employees or the public.
Fraud or deliberate falsification of records.
Use of privileged information for personal gain.
Misuse of the Council's property or name.
Bringing the Council into disrepute.
Discrimination, victimisation or harassment.
Incapacity at work due to alcohol or drugs.
Physical assault or verbal abuse.
Serious and deliberate damage to property.
Serious negligence which causes or might cause unacceptable loss, damage or injury.
Gross insubordination.
Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

9 Suspension

In some circumstances the employee may be offered suspension, with pay, pending further investigation or until a Disciplinary Meeting takes place. Suspension may be appropriate in cases potentially involve gross misconduct; where relationships have broken down; where there is a risk to the Council's property or to other people. An employee should be advised that suspension in itself does not constitute disciplinary action.

An employee should be advised of the reasons for suspension. The period of suspension should not normally last for more than 20 working days. However, where necessary this period can be extended.

The decision whether suspension is necessary can be reviewed at anytime in the disciplinary process.

10 Investigation

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place. The Council will appoint an Investigator, who will be responsible for undertaking the disciplinary investigation. The Investigator will be independent and will normally be a councillor, although the Council can select an entirely independent third party. If the Council considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made.

The Investigator will carry out an initial investigation in order to determine whether a Disciplinary Meeting should be convened. The role of the Investigator is to collect evidence by interviewing any relevant persons (ie councillors, members of the public or the Council's contractors) and gathering all documentation.

The Council will notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least 5 working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's Disciplinary Policy. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct. The employee may be accompanied or represented by a trade union representative or an agreed companion.

The Investigator has no authority to take disciplinary action. The Investigator's role is to establish the facts of the case as quickly as possible and to prepare a report that recommends to the Council whether or not disciplinary action should be taken.

The Investigator's report will contain their recommendations and the findings on which these were based. The Investigator will recommend either:

a. That the employee has no case to answer and there should be no further action under the Council's disciplinary procedure or;

b. That the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or;

c. That the employee has a case to answer and there should be action under the Council's disciplinary procedure.

When the Council has received all the relevant facts and reviewed the evidence, a report should be drafted recommending one of the following:

a. To take no further action and inform the employee accordingly;

b. To arrange a disciplinary meeting.

11 Arranging a Disciplinary Meeting

If the Council decides that there is a case to answer, it will appoint a Disciplinary Panel comprising three councillors. The Disciplinary Panel will appoint a Chair from one of its members. The Investigator will not sit on the Disciplinary Panel. No councillor with direct involvement in the matter will be appointed to the Disciplinary Panel.

The Disciplinary Panel is responsible for presenting the case and making arrangements for any witnesses that it relies upon to attend the meeting.

In all instances of alleged misconduct the employee will be given at least 10 working days notice in writing of the requirement to attend a Disciplinary Meeting. The Disciplinary Panel's letter will confirm the following:

a. The names of its Chair and two other members.

b. A clear written statement of the alleged misconduct, characteristics or other circumstances which leads it to contemplate dismissing or taking disciplinary action against the employee.

c. The time and place of the meeting.

d. A copy of the investigation report and all the supporting evidence.

e. That witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least 5 working days before the meeting.

f. That the employee and the Council provide each other with all supporting evidence at least 5 working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least 5 working days before the hearing.

g. That the employee has a statutory right to be accompanied at the meeting by an agreed companion or a trade union representative.

12 Conducting a Disciplinary Meeting

The objective of the meeting is to hear the evidence in respect of the allegation, the employee's response and to decide whether or not the allegation is substantiated. If the employee fails to attend without an acceptable reason, then the Chair of the meeting may proceed in the employee's absence.

The procedure to be followed is:-

a. The Chair introduces members of the Disciplinary Panel and specifies their role.

b. The allegation against the employee is clearly stated and the objective of the meeting is made clear.

c. The Investigator presents the findings of the Investigation Report.

d. The Chair sets out the Council's case and presents supporting evidence (which includes calling any witnesses).

e. The employee (or his/her representative) may question the Disciplinary Panel and/or the witnesses.

f. The employee sets out his/her case and presents supporting evidence (which includes calling any witnesses).

g. The Disciplinary Panel may question the employee and/or the witnesses.

h. The Disciplinary Panel sums up its case.

i. The employee (or his/her representative) sums up his/her case.

j. The Disciplinary Panel adjourns to make its decision.

k. The meeting is reconvened and the employee/representative is informed of the decision and, if necessary, his/her right to appeal.

The decision of the Panel must be confirmed to the employee in writing within 5 working days. The letter must clearly set out:-

a. The Panel's decision;

b. The length of time that any warning will be active for;

c. The expected improvement in conduct and any assistance that will be provided to achieve this.

d. The employee's right to appeal.

Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the council of the offence and any explanation presented by the employee.

13 Arranging an Appeal

If the employee wishes to appeal he/she must inform the Chair in writing within 5 working days of receiving written notice of the disciplinary action. The correspondence must state the grounds for appeal.

The grounds for appeal include:

a. Failure by the Council to follow its Disciplinary Policy.

b. The Disciplinary Panel's decision was not supported by the evidence.

c. The Disciplinary Panel's action was too severe in the circumstances of the case.

d. New evidence has come to light since the disciplinary hearing.

The Council will invite the employee to attend a further meeting. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by an agreed

companion or trade union representative. It is the responsibility of each side to prepare themselves for the appeal including arranging for any witnesses to attend.

14 Conducting an Appeal

The appeal will be heard by three councillors who have not been previously been involved in the case. The objective is:-

a. To review the decision of the Disciplinary Panel and decide whether or not that decision is warranted.

b. If the action is not warranted, to determine what action, if any, is appropriate.

The Appeal Panel will appoint a Chair from among its members.

The procedure of the Appeal Hearing is as follows:-

a. The Chair explains the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Disciplinary Panel.

b. The employee puts his/her case and calls any witnesses.

c. The Chair of the Disciplinary Panel puts the case for the decision it took in respect of the employee and calls any witnesses.

d. The Appeal Panel has the opportunity to ask questions of both parties and witnesses.

e. The Disciplinary Panel sums up its case.

f. The employee (or his/her representative) sums up his/her case.

g. The appeal is adjourned to allow the Appeal Panel to reach a decision.

h. The appeal is reconvened and both parties are informed of the decision.

i. The Appeal Panel writes to both parties informing them of its decision within 5 working days.

j. The decision of the Appeal Panel is final.

GRIEVANCE POLICY STATEMENT

It is the Council's policy to ensure that any employee with a grievance has access to a procedure, which can lead to a swift resolution of the grievance in a fair manner. Most routine complaints and grievances are best resolved informally in discussion with the Council Chair. Where the grievance cannot be resolved informally it will be dealt with under the following procedure.

2 The Grievance Procedure

a. The employee must put their grievance in a written statement and send a copy to the Council Chair. Where the grievance is against the Chair the statement should be sent to the Vice Chair of the Council.

b. The Council will appoint a Grievance Panel comprising three councillors. The Grievance Panel will appoint a Chair from one of its members. No councillor with direct involvement in the matter shall be appointed to the Grievance Panel.

c. The Grievance Panel will investigate the matter before meeting the employee, which may include interviewing others (ie other councillors, members of the public, or Council contractors).

d. When the investigation has been concluded, the council will invite the employee to attend a meeting to discuss the grievance. The employee will be given at least 5 working days notice in writing of the date of the meeting.

The letter will include the following:-

a. The names of the Panel's Chair and two other members.

b. A summary of the employee's grievance based on his/her written submission.

c. The date and place of the meeting.

d. The employee's right to be accompanied or represented at the meeting by a trade union representative or an agreed companion.

e. A copy of the Council's Grievance Policy.

f. Confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee must provide the names of his/her witnesses at least 5 working days before the meeting.

g. Confirmation that the employee will provide the Council will all supporting evidence at least 5 working days before the meeting.

3 Conducting a Grievance Meeting

The objective of the meeting is to hear the evidence in respect of the employee's grievance and to decide whether or not the grievance is substantiated.

The procedure to be followed is:-

a. The Chair introduces members of the Grievance Panel and specifies their role.

b. The employee or his/her representative sets out the grievance, including calling any witnesses.

c. Members of the Panel may question the employee and any witness.

d. The employee has the opportunity to sum up his/her case.

e. The meeting is adjourned to allow the Grievance Panel to reach a decision.

f. The meeting is reconvened and the employee is informed of the decision.

g. The Grievance Panel writes to the employee informing him/her of its decision within 5 working days.

The letter must clearly set out:-

a. The Panel's decision;

b. The employee's right to appeal.

4 Arranging an Appeal

If the employee wishes to appeal he/she must inform the Chair in writing within 5 working days of receiving the Grievance Panel's decision. The correspondence must state the grounds for appeal.

The grounds for appeal include:

a. Failure by the Council to follow its Grievance Policy.

b. The Grievance Panel's decision was not supported by the evidence.

c. The Grievance Panel's action was inadequate/inappropriate.

d. New evidence has come to light since the grievance hearing.

The Council will invite the employee to attend a further meeting. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by an agreed companion or trade union representative. It is the responsibility of each side to prepare themselves for the appeal including arranging for any witnesses to attend.

5 Conducting an Appeal

The appeal will be heard by three councillors who have not been previously been involved in the case. The objective is:-

To review the decision of the Grievance Panel and decide whether or not that decision is warranted.

The Appeal Panel will appoint a Chair from among its members.

The procedure of the Appeal Hearing is as follows:-

a. The Chair explains the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Grievance Panel.

b. The employee puts his/her case, including calling any witnesses.

c. The Chair of the Grievance Panel puts the case for the decision it took in respect of the employee and calls any witnesses.

d. The Appeal Panel has the opportunity to ask questions of both parties and witnesses.

e. The appeal is adjourned to allow the Appeal Panel to reach a decision.

f. The appeal is reconvened and both parties are informed of the decision.

g. The Appeal Panel writes to both parties informing them of its decision within 5 working days.

h. The decision of the Appeal Panel is final.

Agreed: January 2026.
Next review: January 2028.