

1. Scope of this document

This Disciplinary and Grievance Procedure set out below apply only to employees of Borrowdale Parish Council ('The Council'). The below areas do not apply to members of the Council.

2. Principles

- Where possible informal action will be considered to resolve problems.
- The procedure is designed to establish the facts quickly and to deal consistently with any disciplinary or grievance issues. No disciplinary action will be taken until the matter has been fully investigated.
- At every stage the employee will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied if they wish by another individual.
- An employee has the right to appeal against any disciplinary penalty or initial grievance decision.

3. Procedure

In the case of formal action the employee will be advised in writing of the nature of the complaint against them and will be given an opportunity to state their case at a disciplinary meeting.

Any disciplinary meeting will consist of at least 2 Councillors and will be held as soon as practicable after the issue has been raised.

The possible outcomes from a disciplinary meeting are:

- Complaint not upheld
- Verbal Warning- If the issue is insufficiently serious for a written warning the employee can receive a verbal warning which will remain on their employment record for 6 months
- First written warning- If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded & be disregarding after 6 months of satisfactory service. The employee will also be informed that a final written warning maybe considered if there is no sustained improvement or change.
- 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 be given which will include the reason for the warning, and a caveat that if no improvement results within 2 months, further action will be taken.
- Dismissal- If the conduct or performance has failed to improve, the employee may suffer disciplinary written warning to remain on the employees record for 12months or dismissal.

4. Gross Misconduct

If, after appropriate investigation, it is confirmed that an employee has committed an offence from the below list (non exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft of, or damage to property
- Fraud
- Incapacity for work due to being under the influence of alcohol or illegal substances
- Physical violence, bullying or gross insubordination.

While an alleged gross misconduct is being investigated, the employee maybe be suspended, during which time they will be paid their normal pay rate. Any decision to dismiss will be taken by the full Council only after full investigation.

5. Appeals

An employee who wishes to appeal against any disciplinary decision must do so to the Chairperson within 5 working days. The Council will hear the appeal & decide the case as impartially as possible.

6. Grievances

If any employee has a grievance or complaint to do with work, a Councillor or a member of the public or professional colleague, they should, where possible, start by discussing it with the Chairperson or Vice Chairperson to try and agree a solution.

7. Formal Grievance

If the employee wishes to raise it formally, then:

- If the grievance is against any member of the Council, the matter must be raised with the Monitoring Officer of Cumberland Council, in accordance with the Non-Compliance with the Code of Conduct Policy.
- Otherwise the grievance should be set out in writing to the Chairperson, sticking to the facts and avoiding any form of language that is insulting or abusive.

8. Grievance Hearing

The Chairperson will call a meeting of no fewer than 2 Councillors, normally within 10 working days, to discuss the grievance. The employee has the right to be accompanied by another individual at this meeting. After the meeting the Chairperson will confirm the decision in writing, within 2 working days.

9. Appeals

If the employee is unhappy with the decision and wishes to appeal this should be confirmed in writing to the Chairperson within 5 working days.

The appeal will be heard by a meeting of the full Council, excluding any individual Councillors who have already been involved in the investigation. The employee has a right to be accompanied by another individual at this meeting. After the meeting a decision will be given in writing, within 2 working days. This decision is final.

Date of policy: April 2020

Review: Annually, for the most recent review date please visit www.borrowdale.org.uk