

# SEBERGHAM PARISH COUNCIL

Clerk: Rachael Kelly, 29 Greystoke Park Avenue, Penrith, Cumbria, CA11 9DB. Tel: 01768 863900;  
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## Disciplinary & Grievance Procedure

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### 1 SCOPE OF THIS DOCUMENT

The Disciplinary and Grievance procedures set out here apply to employees of Sebergham Parish Council ("the Council"). They do not apply to members of the Council.

### 2 PRINCIPLES

- Informal action will be considered, where appropriate, to resolve problems.
- The procedure is designed to establish the facts quickly and to deal consistently with 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 a friend.
- An employee has the right to appeal against any disciplinary penalty or initial grievance decision.

### 3 THE PROCEDURE

For formal action the employee will be advised in writing of the nature of the complaint against him or her 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 matter is not serious enough for a written warning the employee can receive a verbal warning which will remain on his or her 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, but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory 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 note that, if no improvement results within 2 months, further action will be taken.

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- Dismissal or action short of dismissal - If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary written warning to remain on the employee's record for 12 months or dismissal.

## 4 GROSS MISCONDUCT

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not 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 drugs
- Physical violence, bullying or gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she 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 Chairman within five working days. The Council will hear the appeal and decide the case as impartially as possible.

## 6 GRIEVANCES

If an employee has a grievance or complaint to do with work, a Councillor or a member of the public or professional colleague, they should, wherever possible, start by talking it over with the Chairman or Vice Chairman to try to agree a solution.

## 7 FORMAL GRIEVANCE

If the matter is serious and/or 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 Ecen District Council in accordance with our *Non-compliance with the Code of Conduct*;
- otherwise, he or she should set out the grievance in writing to the Chairman, sticking to the facts and avoiding language that is insulting or abusive.

## 8 GRIEVANCE HEARING

The Chairman will call a meeting of no fewer than 2 Councillors, normally within 10 days, to discuss the grievance. The employee has the right to be accompanied by a friend at this meeting. After the meeting the Chairman will give a decision in writing, normally within 48 hours.

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## **9 APPEALS**

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

The appeal will be heard by a meeting of the full Council, excluding any individual Councillors who have previously been involved in the investigation. The employee has the right to be accompanied by a friend at this meeting. After the meeting a decision will be given in writing, normally within 48 hours. This decision is final.

*Approved:* May 2020

*Review:* May 2021