



Disciplinary Policy and Procedure

The disciplinary procedure: How Duston Parish Council deals with employee misconduct or poor performance

The grievance procedure: How employees can raise work related concerns.

Introduction

This procedure is designed to help and encourage all employees of Duston Parish Council to achieve and maintain acceptable standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for employees whilst promoting orderly employment relations.

Formal disciplinary action will not normally be considered as a first step (except in cases of potential Gross Misconduct). Informal discussions will be used to seek to resolve problems in the first instance. However, there will be recourse to the formal procedure for persistent breaches, if there is no improvement in performance within a reasonable period, or if the required improvement fails to be maintained.

This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. For sickness, refer to the Sickness Absence Policy in the first instance. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. This list is not exhaustive.

Examples of misconduct:

- Inappropriate behaviour
- Unauthorised absence
- Bullying and harassment
- Insubordination

- Any other conduct that from time to time is defined by the council as amounting to misconduct.

Examples of unsatisfactory work performance:

- Inadequate application of office procedures
- Inadequate IT skills
- Unsatisfactory management of staff
- Unsatisfactory communication skills

1. Informal Verbal Procedure

Minor problems will be dealt with informally, and the employee will be clearly told by their line manager of the reasons; including factual evidence of the problem; and how their performance/conduct needs to change and the consequences of failing to improve. The purpose of this discussion is to ensure that the employee is:

- aware of the concerns
- knows what is required to meet expected standards
- made aware of the timescale over which an improvement is required
- made aware of the possible consequences of not achieving the required standard.

Appropriate additional action at this stage may include the provision of:

- support and training
- advice and guidance
- coaching / mentoring
- counselling
- monitoring and feedback on a pre-determined schedule

A brief note of the date on which the issue was discussed and what action was agreed will be made in the personnel records of the employee and a copy will be issued to the employee. Subject to satisfactory conduct and/or performance, the note will be disregarded for disciplinary purposes after 6 months and the employee notified accordingly. (There is no legal obligation to dispose of this evidence, which could be helpful to the Council in the future). Where the matter is more serious or where informal discussions and counselling have not succeeded in achieving the required result, the formal disciplinary procedure will be used.

2. Principles of Disciplinary Procedure

The Clerk has overall responsibility for the management and discipline of all council staff. However, where the Clerk is the subject of formal disciplinary action the Full Council is

responsible. Disciplinary procedure in relation to the Clerk will only be initiated by resolution of Full Council. Once a resolution has passed, the Council will appoint three members to serve as the “Disciplinary and Grievance Panel” (a sub-committee of Council) and a separate member investigator. In the case of the Clerk, the Council should seek professional external advice at the beginning of the process as to the aims and reasons for commencing the formal disciplinary process and consider any resulting recommendations.

Disciplinary action against other staff will be managed and conducted by the Clerk.

The council acknowledges that there is a distinction between the conduct of an employee and their capability. In the case of a problem resulting from the employee’s capability, contributory factors will be carefully considered, such as ill health, serious home-based problems or a lack of skill or knowledge. If the matter is due to a lack of skill or knowledge, the council will ensure that by appropriate training, mentoring and guidance, the employee has the opportunity to improve. The improvement required will be clearly explained to the employee, along with what support will be given and how performance will be monitored and reviewed.

An employee will have the right to appeal against any disciplinary penalty imposed during the disciplinary procedure.

The disciplinary procedure is comprised of three stages. However, after proper consideration, the procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

No employee will be dismissed for a first breach of discipline, except in the case of Gross Misconduct, when the penalty is usually dismissal without notice or payment in lieu of notice.

If the employee has difficulty reading, or if English is not their first language, any written documentation, e.g. invitations to Disciplinary Hearings or written warnings, will also be explained to them orally by their line manager. Additional support that may be required at a Disciplinary Hearing will also be taken into consideration and provided as appropriate.

3. Disciplinary Investigations

No disciplinary action will be taken against an employee until the case has been fully investigated by an unbiased investigator. This will usually be the employee’s line manager, or a Member appointed by Council in the case of the Clerk. However, if the manager or Member was in some way involved in the matter, wherever possible another manager or Member will conduct the investigation. Investigatory meetings may be held to establish the facts; in this instance it will be made clear to the employee that these meetings are not Disciplinary Hearings. The employee may be represented at formal investigatory meetings

by a Trade Union representative, employee representative or work colleague. The person in charge of the investigation should be advised in advance by the employee if they are to be accompanied.

All relevant facts should be accurately recorded promptly before memory fades, including anything that the employee wishes to say. Notes of what is said by both parties should be taken, read back at the end and signed by both parties. Where there are witnesses to the alleged misconduct, statements should be obtained from them at the earliest opportunity. The investigator's role (whether line manager or member) is to submit a report with recommendations to the hearing which decides whether further action should be taken. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report with recommendations to the hearing whether or not disciplinary action should be taken.

In any investigations involving allegations of criminal acts, the Clerk will consult in confidence with the Chairman of the Council before a decision is made to put the case in the hands of the police. Where the Clerk is the subject of the investigation, the Chairman of the Council, in consultation with the Vice-Chairman shall decide.

Whilst an investigation is taking place, it may be necessary to suspend the employee on full pay pending the outcome of the investigation. Suspension may only be warranted in certain cases, e.g. where relationships have broken down or there are risks to council property and/or to other persons. However, a suspension will only be imposed after careful consideration and will be reviewed to ensure that it is kept as brief as possible. It will be made clear to the employee that the suspension is not considered a disciplinary action and does not involve any pre-judgement.

If it is decided, following investigation, that there is a case to answer, the below Disciplinary Hearing procedure will then be employed. All investigations will be carried out in accordance with the latest ACAS "Guidance, Conducting Workplace Investigations".

4. Definitions

(i) *Disciplinary Hearing*: A meeting which could result in a formal warning that an employee must improve their conduct or performance, some other sanction as provided for within this procedure, or which may result in dismissal.

(ii) *Notification*: For every stage in the disciplinary procedure, the employee will be given adequate notice (five working days) in writing of the Disciplinary Hearing to be held, including the nature and basis of the complaint against them and provided with copies of any supporting evidence, including any witness statements. The letter will contain enough information for the employee to be able to understand both what it is they are alleged to

have done and the reason why this is not acceptable. The notice will give details of the time and venue for the hearing and remind the employee of the right to be accompanied. The letter will state who will be Chairing the meeting. It will also be made clear that the employee has the right to appeal any decision taken at the hearing. All evidence that will be used at the Hearing should be sent to the Employee with the notification.

Where the presenting manager or employee intends to call relevant witnesses, they should give advance notice that they intend to do this to the person conducting the hearing.

(iii) *Timing:* Where possible, the timing and location of the Disciplinary Hearing will be agreed with the employee. The hearing will be held without unreasonable delay, but the employee will be given reasonable time to prepare their case (a minimum of five working days). Hearings will be held in private, where there will be no interruptions. If the employee fails to attend without notification, the council may decide to proceed with the hearing in their absence. If the meeting is genuinely inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.

(iv) *Representation:* The employee has the right to be accompanied by a Trade Union representative who has been certified by their union as being competent to accompany a worker, an official employed by a trade union or a work colleague during any Disciplinary or Appeal Hearing. The line manager or Disciplinary and Grievance Panel (in the case of the Clerk) shall be advised in advance by the employee if they are to be accompanied. The employee's representative, or colleague, will be given all the documentation that has been given to the employee. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.

(v) *Conducting the Hearing:* Where practicable, the Disciplinary Hearings will usually be chaired by the Clerk or other nominated officer. In the case of the Clerk, the hearing will be conducted by Disciplinary and Grievance Panel but it must not consist of any member who has been involved in the case to date. Those conducting Disciplinary Hearings will keep an open mind and not pre-judge the matter.

a) The precise allegations will be read out at the start of any Disciplinary Hearing.

The hearing will proceed as follows:

1. The Chair will introduce those present and explain why they are there.
2. The line manager manager will state their case, including presenting any evidence and calling witnesses.
3. The employee (or their representative) and the Clerk conducting the hearing have the opportunity to ask questions of the line manager and their witnesses.

4. The employee (or their representative) presents their case, including presenting any evidence and calling witnesses.
5. The line manager and the Clerk conducting the hearing have the opportunity to ask questions of the employee, their representative and their witnesses.
6. Both parties have the opportunity to sum up.

b) In case of the Clerk at a Disciplinary and Grievance Panel

The hearing will proceed as follows:

1. The Chair will introduce those present and explain why they are there.
2. The Investigating Member will state their case, including presenting any evidence and calling witnesses.
3. The Employee (or their representative) and the Disciplinary and Grievance Panel will then have the opportunity to ask questions of the Investigating Member and their witnesses.
4. The Employee (or their representative) presents their case, including presenting any evidence and calling witnesses.
5. The Investigating Member and the Disciplinary and Grievance Panel conducting the hearing have the opportunity to ask questions of the Clerk, their representative and their witnesses.
6. Both parties have the opportunity to sum up.

5. Taking Disciplinary Action

(i) Deciding Upon Disciplinary Action: Following the investigation and the Disciplinary Hearing, the line manager or Panel (in case of the Clerk) conducting the hearing will decide if disciplinary action is necessary.

Before taking disciplinary action, the following factors must be considered: the employee's disciplinary and general record, length of service, any current warnings, actions taken in any previous similar case, the explanations given by the employee, including any mitigating circumstances, and whether the disciplinary action is reasonable under the circumstances.

(ii) Notification: If it is decided that disciplinary action is not justified, the employee will be notified of this decision in writing within five working days.

If disciplinary action is to be taken following a Disciplinary Hearing, the employee will be told in writing within five working days of the disciplinary action to be imposed, the time period of the warning, why and how their conduct or performance needs to change, the timescale for the required improvement, a review date (where appropriate), any support the council will offer to improve performance (where appropriate), the consequences of failing to improve conduct or performance within the required time period and their right to appeal against the decision if they are not satisfied with it. A copy of this letter will also be sent to the employee's representative but this can only be done with the Employee's written consent, as these are 3rd parties. A copy will be held on the employee's personnel file for disciplinary purposes for the relevant period according to the level of warning. The employee will be notified within the letter for how long the warning will remain current. The records will be disregarded for disciplinary purposes once the time limit on the warning has expired. (As stated previously, there is no obligation to disregard this special category data which the Council may need in future).

Informal verbal warning and first and second level warnings will normally be issued by the employee's line manager. Meetings to discuss the disciplinary procedure will normally be by the employee's line manager.

6. Documentation

During the disciplinary process, written records will be kept. These will include: the complaint against the employee, the employee's defence, findings made and actions taken, the reasons for action taken and if an appeal was lodged and the outcome of the appeal.

Records will be treated as confidential. Records will be discarded for current disciplinary purposes after set periods, depending upon the stage of the procedure that they relate to. Copies of meeting records will be provided to the employee, although in certain circumstances some information may be withheld by the council, e.g. to protect a witness.

7. The Formal Disciplinary Procedure

Stage One—First Level Warning

The employee will be invited in writing to a Disciplinary Hearing in accordance with the procedures set out earlier in this policy. If the employee doesn't give a satisfactory explanation, a formal First Level Warning may be given. They will be advised in writing of the reason for the warning and that it is the first stage of the formal disciplinary procedure. The warning letter will also give details of the improvement required, the timescale for improvement and a review date. The letter will also inform the employee of the right to

appeal and that action under Stage Two will be considered if there is no satisfactory improvement within the specified time period.

A copy of this warning will be kept in the employee's personnel file and used as the basis for monitoring and reviewing conduct/performance. The warning will be discarded for disciplinary purposes after 6 months, subject to satisfactory conduct or performance.

Stage Two–Final Warning or Disciplinary Suspension

If there is a failure to improve following Stage One, and conduct or performance of the same nature is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, but insufficiently serious to justify dismissal (in effect both the first and final written warning), a Disciplinary Hearing will be held to which the employee will receive a written invitation. If the employee is unable to give a satisfactory explanation, a final written warning will normally be given to the employee. This will give details of the complaint, the improvement required and timescale involved and will warn that further disciplinary action, including potential dismissal, will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on the employee's personnel file and used as the basis for monitoring and reviewing conduct/performance, but will normally be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct or performance. However, a longer final warning may be issued where there is a pattern of misconduct where the employee is repeatedly able to maintain good standards for the period of the warning, but commits misconduct again shortly after the expiry of the warning period.

Alternatively, consideration will be given to imposing the penalty of suspension without pay for up to a maximum of five days. A record of this suspension will be kept on the employee's personnel file and used as the basis for monitoring and reviewing conduct/performance, but it will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct or performance.

Stage Three–Dismissal

Following Stage Two, if the particular conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, the employee will receive a written invitation to a Disciplinary Hearing. If the employee is unable to give a satisfactory explanation, dismissal will normally result. The decision to dismiss is taken by the Clerk. Where the Clerk is the subject of the disciplinary action, the decision to dismiss will be taken by the Disciplinary and Grievance Panel. Other Councillors will not be involved in the decision to dismiss the Clerk to enable an unprejudiced Appeals Panel to operate in the event of an appeal. In the case of an appeal by the Clerk three new different members will form the Appeals Panel. The employee will be provided with written reasons for dismissal

within five working days, the date on which employment will terminate, the appropriate period of notice or payment in lieu of notice and their right of appeal.

8. Appeals

If an employee wishes to appeal against disciplinary action which has been taken against them following procedure will apply:

(i) The employee will give Notice of Appeal to the Clerk or Chairman of the Council (where the Clerk is the appellant) within five working days of the date on which they received the decision notice of the disciplinary action to be taken against them, setting out their grounds for appeal. The Clerk or Chairman of the Council will arrange for the matter to be considered by an Appeals Panel meeting at an agreed time and place wherever possible.

(ii) The employee, in consultation if they wish with their trade union or staff representative, should provide the Clerk or Chairman of the Council with a full written statement of their case, no later than five working days prior to the appeal hearing. The presentation of the written statement above shall not preclude elaboration or additions by either party at the Appeal Hearing. However, management should not introduce new evidence at the appeal stage to justify an earlier disciplinary decision.

(iii) The Appeal will be heard as soon as possible and normally this will be within three weeks of receipt of Notice of Appeal. However, the Appeal Hearing need not take place before the disciplinary action takes effect. The employee will be issued with a letter, inviting them to attend the Appeal Hearing and notifying them of the time and venue for the hearing, their right to call witnesses and to be accompanied. The employee should notify the council of who their representative is to be and whether they will be calling any witnesses. The employee may present their case in person or be represented by their trade union representative or workplace colleague and may call witnesses and produce documents relevant to their case.

All appeal hearings will be heard by an Appeals Panel

The Appeal Hearing will be conducted as follows:

1. The Chair will introduce those present and explain why they are there.
2. The line manager will state their case, including presenting any evidence and calling witnesses.
3. The employee (or their representative) and the Panel conducting the hearing have the opportunity to ask questions of the presenting manager and their witnesses.

4. The employee (or their representative) present their case, including presenting any evidence and calling witnesses.
5. The line manager and the Panel conducting the hearing have the opportunity to ask questions of the employee, their representative and their witnesses.
6. Both parties have the opportunity to sum up.
7. At the conclusion of the hearing the Appeals Panel shall adjourn to consider their decision. The appeal panel may decide to uphold the original penalty, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

The Panel may announce their conclusion verbally after they have adjourned to consider their decision but, in any event, will confirm their findings in writing to the employee concerned within five working days of the Appeal Hearing. There will be no further right of appeal.

9. Overlapping Grievance and Disciplinary Cases

If an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

10. Gross Misconduct

Gross misconduct is regarded as misconduct serious enough to destroy the trust within the employment contract, thus making any further working relationship impossible. The outcome can be dismissal without notice.

The following list provides examples of offences which are normally regarded as gross misconduct:

- theft, fraud, deliberate falsification of records;
- physical violence, assault on another person;
- deliberate and serious damage to council property;
- serious misuse of the council's property or name;
- serious incapability through alcohol or being under the influence of illegal drugs;
- serious breach of health and safety regulations;
- serious negligence which causes unacceptable loss, damage or injury;

- serious act of insubordination;
- unlawful discrimination or repeated harassment;
- bringing the council into serious disrepute;
- criminal offence, whether committed on or off duty, which is of such a nature that it fundamentally breaches the trust which is the basis of the contractual relationship.

The standard Disciplinary Procedure does not apply in cases of Gross Misconduct.

If an employee is accused of an act of Gross Misconduct, he/she may be suspended from work on full pay while the alleged offence is investigated. Suspension may only be warranted in certain cases, e.g. where relationships have broken down or there are risks to council property and/or to other persons. However, a suspension will only be imposed after careful consideration and will be reviewed to ensure that it is kept as brief as possible. It will be made clear to the employee that the suspension is not considered a disciplinary action and does not involve any pre-judgement. The investigation will be conducted by the Clerk or nominated officer or Disciplinary and Grievance Panel in case of the Clerk.

If, on completion of the investigation, it is decided that there is a case to answer, the employee will receive a letter informing them of the allegations and inviting them to attend a Disciplinary Hearing, where they will have the opportunity to put their case. The conditions of the Disciplinary Hearing in the case of Gross Misconduct are the same as for hearings held as part of the standard disciplinary procedure.

If, on completion of the investigation and the Disciplinary Hearing, the Clerk conducting the hearing is satisfied that Gross Misconduct occurred, the result will normally be summary dismissal without notice or payment in lieu of notice. The decision to dismiss is taken by the Clerk.

Where the Clerk is the subject of the disciplinary action, the decision to dismiss will be taken by members of the Disciplinary and Grievance Panel. Within five working days, the employee will be provided with a letter specifying the misconduct which has led to the dismissal and their right of appeal, following the Appeals Procedure outlined earlier in this document.

Grievance Policy and Procedure

1. Introduction

This procedure applies to all employees of Duston Parish Council.

The objectives of the procedure are:

- To foster good relationships between the council and its employees by discouraging the harbouring of grievances;
- To settle grievances as near as possible to their point of origin;
- To ensure the council treats grievances seriously and resolves them as quickly as possible;
- To ensure that employees are treated fairly and resolves them as quickly as possible;

2. Definition of Grievance

For the purpose of this policy, grievances are defined as concerns, problems or complaints over work-related matters that a group of employees raises with the council. Examples of grievances include concerns over employment terms and conditions, contractual or statutory rights, health and safety, work relations, the working environment, new working practices, bullying and harassment, organisational change and discrimination.

For instances of bullying and harassment, employees are also advised to refer to the council's Bullying and Harassment Policy.

3. Informal Procedure

Many problems can be raised and settled during the course of everyday working relationships. In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with his or her line manager with a view to resolving the matter informally if appropriate. If the grievance involves the line manager or the employee feels unable to raise it directly with the line manager for another reason then they may approach the Clerk. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below. In case of the Clerk, they will discuss with the Chairman of the Council (or if absent Vice-Chairman) any informal Grievance.

4. Formal Procedure

The employee must set out his or her grievance in writing (“Statement of Grievance”) and provide a copy to his or her line manager.

Upon receipt of a grievance it may be necessary (optional) to conduct an investigation. If appropriate, an investigatory meeting will be held to gather all relevant facts and evidence. The employee will be invited to this investigatory meeting as soon as possible, in writing. It will be made clear that the purpose of the meeting is to establish the facts and that the employee may be accompanied by a colleague or trade union representative. Due consideration will be given to whether any reasonable adjustments are necessary for a person who is disabled; this includes colleagues or trade union representatives accompanying the person with a grievance. The investigatory meeting will usually be conducted by the employee’s Line Manager. However, if the Line Manager is the subject of the grievance, the meeting will be conducted by the Clerk or nominated officer.

The investigation will be conducted as soon as possible and will normally be completed within five working days of receiving the grievance. However, if the matter is particularly complex, this can be extended to 15 working days. If it is not possible to complete the investigation within this timeframe, the employee will receive a written explanation of the delay and when the investigation is expected to be completed.

As soon as reasonably practicable after the conclusion of the investigation (usually five working days), the employee will be notified in writing that the investigation has been completed.

Once there has been reasonable opportunity to consider the response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter. The letter will say who will Chair the meeting and state their right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative or Trade Union official.

- The employee must take all reasonable steps to attend the meeting.
- Grievance meetings will normally be convened within 14 days of the Line Manager or Clerk receiving the Statement of Grievance.
- The meeting will usually be the employee, their chosen representative, the line manager and the Clerk.
- If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.
- A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be further investigated, or to afford the line manager time to consider the decision. The meeting will be reconvened as early as possible.

At the grievance meeting:

1. The Chair will introduce those present and explain findings of any investigation.
2. The employee (or companion) will set out the grievance and present the evidence
3. The Chair will ask the employee what action does he/she want the Council to take.
4. Any member of the hearing may question any witness
5. The employee (or companion) will have the opportunity to sum up the case
6. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be further investigated, or to afford the line manager time to consider the decision. The meeting will be reconvened as early as possible.

The Chair of the meeting will provide the employee with the hearings decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take to resolve the grievance and of the employee's right of appeal. Where the grievance is not upheld, the reasons for this will be explained.

5. Appeal

If the employee feels that their grievance has not been satisfactorily resolved, they can appeal in writing to the employer, specifying the grounds for their appeal, within five working days of receiving notification of the decision.

An Appeal Hearing will be held, wherever possible, within five working days of receiving notification of the appeal from the employee. The employee will be notified in writing of the date and location of the hearing in advance. They will also be informed that they have the right to be accompanied at the hearing.

Once the employee notifies the council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before the Council's Appeals Panel. The employee must take all reasonable steps to attend that meeting. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.

At the appeal meeting, the Chairman of the meeting will:

1. introduce the panel members to the employee;
2. explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision; and
3. explain the action that the appeal panel may take.

After the grievance appeal meeting the employee will be informed of the council's final decision within 5 working days. The meeting may be reconvened for this purpose. The council's decision will be confirmed to the employee in writing.

6. The Clerk

In case of the Clerk, they will submit their Statement of Grievance to the Chairman of the Council (or in his/her absence, the Vice-Chairman) and this matter shall be reported back and progressed by resolution of the full Council. The Council could establish a Disciplinary and Grievance Panel to conduct a formal grievance procedure as stated above. In case of an appeal new 3 different members will form an Appeals Panel.

Notes:

- i) A Disciplinary and Grievance Panel / Appeals Panel must be made up of three members.

This is because:

- one councillor cannot make a decision on behalf of the council
- a two-member sub-committee would always allow the Chairman to secure his/her desired outcome by exercising the casting vote in the event of a tie
- more than three members will probably be unwieldy. It may also make it more difficult to find committee members with no direct involvement and it will reduce the pool of potential appeal panel members.

Disciplinary and Grievance Panel will appoint a Chairman from one of its members. The Investigator will not sit on the Committee. Councillors with direct involvement in a disciplinary or grievance matter should not be appointed to a hearing panel or grievance. All appeals will be heard by an Appeals Panel.

If Council considers that there is an insufficient number of councillors who are independent (for example, because many have direct involvement in the allegations), it will appoint from outside the Council. However, external consultants can only advise, the decision will rest with the full Council.

- ii) Meetings should be arranged as soon as possible but the employee should be given reasonable time to prepare. Proceedings should be minuted. If possible the minute taker should be an employee.
- iii) Information about disciplinary or grievance matters should be restricted to those involved in the disciplinary process. Any disciplinary action or grievance outcome should remain confidential. The employee's disciplinary and grievance records should be held by a council in accordance with the Data Protection Act 1998.
- iv) Mediation may be appropriate at any stage of the disciplinary or grievance procedure (for example where there have been communication breakdowns or allegations of bullying and harassment). Mediation is a confidential dispute resolution process that requires a council's and the employee's consent. The mediator is an independent person who helps individuals or groups try to find a solution. Mediators do not make

judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and clarify the options for resolving their difference or dispute.

- v) Working days are Monday - Friday