

Bradford on Avon Town Council Grievance & Discipline Procedure



Version Control

Action:	Who:	Date:	Comments:
Agreed by Full Council	Town Clerk	May 2009	
Reviewed	Town Clerk	May 2013	No change – not used
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Review due	Town Clerk	March 2026	

Grievance Procedure

Purpose

The council wants employees to be able to raise concerns, problems or complaints about their work. This procedure helps resolve grievances fairly and quickly.

Principles

- employees can explain their side before any decision is made
- grievances will be dealt with quickly and consistently
- employees can bring a colleague or union representative to a formal hearing
- employees can appeal decisions
- employees will not be punished for raising a grievance

Procedure

Informal stage

- raise your grievance with your line manager or the next level of management if more appropriate
- if the clerk has a grievance it should go to the mayor unless the grievance is about them, in which case the deputy mayor

Formal stage

- submit your grievance in writing to your line manager or next level of management if informal discussion is not possible
- a meeting or hearing will usually be arranged within five working days
- the manager or hearing panel will investigate, hear evidence and may adjourn the meeting to gather more information
- you can ask witnesses to attend but people implicated will not question the employee directly during the hearing
- the panel may ask what outcome you want and consider it in their decision

Response

- the manager will write to you with the decision and an action plan if needed
- mediation can be considered to resolve differences
- SLCC can advise on mediation options

Appeal

- you can appeal in writing within five working days if you think the decision is unfair, new evidence has appeared, or the procedure was not followed properly
- a separate panel of councillors will hear the appeal and consult anyone relevant
- the appeal panel's decision is final

Bullying or harassment

- report bullying or harassment to your line manager or another councillor if more appropriate
- the complaint will be investigated and action taken
- unresolved issues will be discussed further to find a solution
- if a satisfactory outcome is not achieved, alternative solutions will be considered
- serious cases may lead to disciplinary action or a code of conduct complaint
- please see dignity at work policy for more detail

Right to be accompanied

- you can bring a colleague or accredited union representative
- you cannot bring external supporters like partners or solicitors
- your companion can speak, sum up your case and confer with you but cannot answer questions for you or stop you speaking

Hearing panels

- councils should have trained panels ready to hear grievances
- if a panel member is involved in the dispute, they must be replaced

Confidentiality

- the council will keep grievances as confidential as possible
- you will be told if other people need to be involved

Record keeping

- records of grievances, responses, actions and appeals will be kept in line with data protection and GDPR law

Grievances during disciplinarys

- if a disciplinary is in progress, it will usually be paused until the grievance is resolved
- in exceptional cases, both may be dealt with at the same time with specialist advice

Consequences of getting it wrong

- failing to follow the code/policy can lead to employment tribunals and financial awards against the council
 - following a clear procedure, training councillors and reviewing the process helps avoid problems
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Discipline Procedure

Purpose

This procedure helps all employees maintain high standards of conduct and ensures fair treatment.

Principles

- no action is taken until a full investigation is complete
- employees are told the complaint and can explain their side
- employees can bring a colleague or union representative to formal meetings
- first offences usually do not lead to dismissal unless it is gross misconduct
- employees can appeal disciplinary decisions
- the procedure can start at any stage if misconduct is serious

Misconduct

Examples include

- unauthorised absence
- frequent short-term absence without medical reason
- lateness or poor time keeping
- inappropriate dress
- minor breaches of health and safety or council procedures
- not performing the job to the expected standard
- time wasting or disruptive behaviour
- misuse of council facilities
- refusing reasonable requests or instructions
- smoking in unauthorised areas

Gross misconduct

Examples include

- theft or fraud
- fighting or assault
- deliberate damage to council property
- gross incompetence or negligence
- being under the influence of drugs or alcohol
- discrimination harassment or victimisation
- serious insubordination
- serious breaches of confidentiality
- unauthorised access to computer records
- bringing the council into disrepute

- accepting bribes
- unauthorised use of funds

Informal Action

- minor misconduct is dealt with in a private one-to-one meeting
- if the clerk is involved the staffing committee handles the informal meeting

Formal Action

Disciplinary Letters

- letters explain allegations, why they are unacceptable and invite the employee to a meeting
- the letter explains the stage of the process and possible outcomes

Disciplinary Meetings

- meetings are private and scheduled with the employee
- evidence is discussed, questions asked and witnesses can attend
- if the employee cannot attend for good reason the meeting may be rescheduled

Outcomes & penalties

Stage 1 verbal warning

- first complaint - explains reason, required improvements, review date and right to appeal
- note kept on file for six months

Stage 2 written warning

- serious or repeat misconduct - details complaint, improvements required, timescale and right to appeal
- note kept on file for 12 months

Stage 3 Final Written Warning

- repeated or serious misconduct – as stage 2 written warning and warns may result in dismissal (right to appeal still applies)
- kept on file for 12 months (longer in exceptional cases)

Stage 4 Dismissal or Other Sanctions

- if misconduct continues or gross misconduct occurs the hearing panel may dismiss
- penalties may include dismissal with or without notice, final written warning, demotion, loss of pay or seniority
- extremely serious cases may lead to immediate dismissal (right to appeal still applies)

Suspension

- employees accused of gross misconduct may be suspended on full pay while investigations take place
- investigator must remain impartial in the final decision

Appeals

- must be in writing within five working days, stating reasons
- heard by separate panel not involved in original hearing
- employees can bring a colleague or union representative
- outcome confirmed in writing, penalty cannot be increased

Right to be accompanied

- applies at all formal stages
- companion can support, sum up and respond but cannot speak for employee

Hearing panels

- councils should have trained panels available
- substitute members if involved in the case

Note taking

- recommended for all meetings for tribunal purposes

Grievances during disciplinarys

- disciplinary may be paused until grievance is resolved, exceptional cases require specialist advice

Criminal charges or convictions

- not automatic grounds for disciplinary
- consider impact on job duties and relationships

Consequences of getting it wrong

- failing to follow the code/policy can lead to employment tribunals and financial awards against the council