

Ynysawdre Community Council Cyngor Cymuned Ynysawdre

Employee Complaints Procedure Gweithdrefn Gwyno Gweithiwr

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Introduction

From time to time complaints may arise about a Council employee. They are likely to be :

- Disciplinary matters following concerns about misconduct and/poor performance about a Council employee.
- Grievance matters which involve concerns, problems or complaints made about the conduct of an employee which do not involve allegations of misconduct and/or abuse of an employee's authority.

Types of dispute resolution

Informal Stage

The main focus of all employment disputes process is about getting the employment relationship back on track. Potential disputes can be resolved informally by having a 'quiet word' with the employee or through regular dialogue and during job reviews or appraisal.

The Formal process

Disputes can be detrimental to the running of the Council and it is therefore best that an agreed written procedure to deal with any dispute so that they can be handled promptly, consistently and fairly. Any procedure should comply with the ACAS Code of Practice.

The Councils disciplinary and grievance procedure will be managed and reviewed periodically to ensure that it is compliant with legislation and the ACAS Code of Conduct to maintain its transparency, openness and consistently. Councillors who are likely to have a prejudicial interest should not take part in the disciplinary process.

Mediation

Mediation is confidential and voluntary. It involves a person not involved in the disciplinary process to reach a solution that is acceptable to all. The mediation process is not judgmental nor determines outcomes but may help to uncover underlying problems. The mediation process should be agreed by all the parties involved in the disciplinary process.

Conduct of the Disciplinary process

In cases of misconduct and/or abuse of authority an investigation should be carried out as soon as possible. Different councillors should be involved in the investigation process and the arrangement and conduct of any disciplinary process. It is NOT necessary to carry out investigations involving poor performance.

Inform

If following an investigation the council decides that there is no case to answer then both the employee and complainant/s should be informed in writing. Where any investigation has been substantiated and there is a 'case to answer' the employee should be informed in writing and receive information about the possible disciplinary outcomes. Where the investigation involved misconduct and/or misconduct the employee should receive the relevant investigation report and supporting statements or other evidence. The employee should be invited to attend a disciplinary hearing in writing. ***The letter must include alternative dates, the venue, time and that they have the right to be accompanied***

The Meeting

Disciplinary hearings should be heard by members of the Human Resources committee. The panel should consist of not less than three but should not have too many members. The meeting should be held as soon as possible and the employee should be given adequate time to prepare. The meeting should be minuted. The employee may call witnesses and ask questions. Where an employee is persistently unable to attend a meeting the Council will need to decide whether the hearing can be heard in the employees absence. If the inability to attend is due to illness the Council may ask for supporting evidence and progress report from the employees GP.

The right to be accompanied

Employees have a statutory right to be accompanied to a meeting where disciplinary sanction could be imposed or where a grievance is raised. If the companion cannot attend on the original meeting date the hearing **must** be postponed. The companion may address the meeting but is not allowed to answer questions on behalf of the employee.

Ynysawdre Community Council support employee's right to be accompanied by a relevant trade union and that we welcome the support and negotiation of

pay and conditions of service as well as the representation of trade union bodies

Disciplinary Action

Any disciplinary action needs to be the 'last resort' where it is evident that no other course of action would be appropriate.

Minor disciplinary issues;

1. First minor misconduct/poor performance a written warning and action plan and review date.
2. Subsequent misconduct/poor performance a final written warning with an action plan and review date.
3. Continued misconduct/poor performance whilst on a final written warning dismissal with notice.

For serious disciplinary issues;

Gross misconduct, summary dismissal without notice. Dismissal with a written notice or final written warning

Right of Appeal

The employee has a right of appeal if they think that the sanction imposed was unjust or the process was not followed in a fair or proper way. The appeal should be heard by members of the council who were not involved in the original disciplinary process and should take the form of a complete re-hearing or review of the original decision. The employee has the right to be accompanied at the appeal hearing. The outcome of the appeal should be handed to the employee as soon as possible after the hearing.

If an employee is not satisfied with the outcome of the appeal hearing then they maintain the right to see legal redress in the courts of tribunals.

The employee has a period 28 days notice of their intention to appeal which should be made in writing to the Chairperson.

This document has been prepared in accordance with guidelines issued by ACAS and contained in the leaflet ‘