



*Delivering a brighter, greener future for all*

# Resolving Problems Policy and Procedure

May 2024 reviewed  
Next review May 2025

We believe that clear, open, and fair procedures for the resolution of problems are necessary both for the success of the council and for the fair treatment of all our team.

## General

Any grievance or complaint can be discussed informally, or through the formal grievance procedure. Often raising issues promptly at the time in a sensible way helps to solve them and prevent further difficulties.

## Investigations

It is not always necessary to hold an investigatory meeting but where it is, everyone is required to co-operate fully with the investigation relating to disciplinary or grievance procedure. The Town Clerk will normally investigate a complaint or may for some incidences use an outside consultant to ensure impartiality.

## Suspension

The Council may suspend you on full basic pay. Suspension is not a disciplinary penalty and carries no implication of guilt. Whilst on suspension you must be available for work or meetings as required during normal working hours.

## The Right to be accompanied at Hearings

You can be accompanied at any disciplinary or grievance hearing by:

- A work colleague;
- A full time official employed by a trade union; or a lay official, so long as they have been certified in writing by their union as having received training in acting as a worker's companion at disciplinary and grievance hearings.

Your representative has the right to explain or sum up your case, and to respond to any views expressed at the hearing. The representative may not answer on your behalf. If the representative cannot attend on the date set for the interview, we will always postpone the interview for up to five days or at our discretion longer.

## **Grievance**

### **Stage 1**

Where there is an issue at work, we would ask that you raise it promptly and with the relevant person. If this fails or you feel the matter is more serious then you can go to the formal procedure.

### **Stage 2**

To make a formal grievance, set out your complaint in writing, giving as full an account of the situation as possible. This should be given to your line manager together with any relevant documents. We will invite you to a meeting to discuss the grievance and ask how you think it can be resolved. It may be necessary for us to make further enquiries and hold a second meeting.

After the meeting we will write to you with the outcome of the grievance. The letter will remind you of your right to appeal if you are not satisfied with the outcome. The decision of the individual hearing the appeal is final.

In serious cases or cases where your line manager is the cause of the grievance an independent consultant may be asked to investigate the complaint.

If you wish to lodge a grievance after your employment has terminated, please write to the Town Clerk setting out your complaint.

## **Disciplinary Procedure**

The disciplinary process has been designed to help and encourage you to achieve and maintain good standards of conduct, attendance, and job performance. On occasions, people may fall short of the expected standards of behaviour or performance and in these circumstances disciplinary action may be taken.

At all stages of the disciplinary procedure, you will:

- Be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken;
- Be advised of the nature of any disciplinary action taken against you and the consequences of such action;
- Be advised of any improvement in conduct or performance required and over what time frame; and
- Have the opportunity to be accompanied by a work colleague or trade union representative to any disciplinary hearing as described above.

Disciplinary hearings will usually be conducted by your line manager.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting the Council may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

At the meeting you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence, and call witnesses.

Depending on the severity of the offence and taking into account all the circumstances the disciplinary action may take any one of the following forms:-

### **Stage 1**

- Informal counselling to give you an opportunity to rectify the situation.

### **Stage 2**

- A verbal warning will be issued if improvement does not result following informal counselling or for more serious breaches. You will be told of steps you must take to improve your conduct and if appropriate the time limit for improvement. This will be confirmed in writing and recorded on your file for a period of time - normally six months.

### **Stage 3**

- For more serious matters or where you have failed to meet the required standards after having been given a verbal warning, you may be given a written warning. This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement. It will also state that further disciplinary action will be followed if the required standards are not met. One copy of which will be retained by you, and one placed on your file normally for a maximum of 12 months.

### **Stage 4**

- For serious matters or where you have failed to reach the required standards after being warned you may be given a final written warning. This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy of which will be retained by you, and one placed on your file normally for a maximum of 12 months.

### **Stage 5**

- Where there has been Gross Misconduct (in which case the first four stages may be omitted) or where you have failed to meet the required standards after due warnings have been given to you, you may be dismissed. In extenuating circumstances, we may apply another sanction such as disciplinary transfer, disciplinary suspension without pay, or demotion. This will be confirmed in writing. In cases of gross misconduct, the dismissal will normally be without notice (or pay in lieu of notice).

Depending on the circumstances of each case the Council may omit or miss out one or more of the above stages.

## **Downgrading or Transfer to another Post**

This action is appropriate when:

- Previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- An employee is considered by the Town Clerk to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

## **Appeals**

You have the right of appeal against any disciplinary decision taken against you. Your appeal should be in writing and sent to the individual identified in your letter within five working days of the decision and state the reasons for your appeal. You will receive a reply within a further five working days setting a date for an appeal hearing. The decision from the appeal hearing will be final.

The following are examples of Misconduct and Gross Misconduct. These are examples only and not an exhaustive list.

### **Misconduct**

- Poor time keeping.
- Unauthorised and unreasonable absence from work.
- Failure to meet the adequate standard of job performance.
- Failure to comply with procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Council regulations.
- Improper use of business funds or property.

### **Gross Misconduct**

The following acts are examples of gross misconduct and as such are considered so serious that the employee may be liable to instant dismissal.

- Theft or wilful damage of or negligence which leads to loss, damage to property or goods belonging to the Council, its customers or suppliers, or other employees.
- Unreasonably refusing to allow the Council to search your bags or vehicle.
- Unauthorised disclosure or use of confidential information from the Council or about any of its customers.
- Conduct likely to damage the reputation of the Council.
- Drunkenness and unlawful drug abuse.

- Discrimination on the grounds of age, sex, race, religious belief, disability or sexual orientation or harassment or bullying of colleagues or customers or service users/clients/guests/members.
- Accepting bribes.
- Fraud, dishonesty, or any other offence which would be a breach of the law of the land.
- Assault or attempted assault of other employees or members of the public.
- Failure to carry out a reasonable order given by a manager during working hours or serious disregard of duties.
- Serious insubordination.
- Serious breaches of the Health and Safety policy.
- Unauthorised absence.

## **Bullying and Harassment**

The Council encourages an environment in which everyone is entitled to work without harassment, victimisation, and bullying. Harassment may be described broadly as "unwanted conduct affecting the dignity of men and women". Where a particular form of conduct has the effect of making a person feel humiliated, threatened or that their privacy is being invaded, then that conduct will constitute harassment and should cease immediately.

We will not condone harassment and the procedure for dealing with complaints is set out below. The policy applies to employee's conduct in, or out of office hours or at work events.

All employees have a responsibility for complying with this policy and treating all colleagues with dignity and respect. If you believe that you have been subject to, or witnessed harassment, victimisation, or bullying, you must inform the Town Clerk so that we can keep our workplace free from unacceptable behaviour.

The procedure for dealing with cases of harassment is set out below:

- If you believe you are being subjected to any harassment then, in the first instance you should ask the offender to stop or make it clear that such attention is unwelcome. If necessary, ask a friend or colleague to help you do this. Such an informal approach may be all that is needed, but you should make a note of the details and keep them.
- If your request is ignored and the harassment continues, or you feel unable to make the informal approach, please contact the Town Clerk immediately. Details will be taken and should be confirmed in writing by the victim, this constitutes a formal complaint.

Either the Town Clerk, or an independent consultant, will investigate the complaint. Allegations will be dealt with seriously and confidentially and there will be no victimisation of any employee making or being involved in a complaint.

In cases of serious alleged harassment, any employee directly involved may be suspended on full pay pending investigation.

If the harassment has taken place, then the accused will be dealt with in accordance with the Dispute Resolution procedures.

It is hoped that the implementation of this policy will ensure that all our employees work in an atmosphere of mutual trust, dignity, and respect.

## **Monitoring Performance**

We monitor performance formally and informally through regular discussions that your line manager will have with you about your job, at the end of projects and through the appraisal process.

## **Dealing with Poor Performance**

The success of the Council depends on all employees working together to achieve the best possible standards of performance. We aim to provide support and training to enable all employees to fulfil their potential and deal with any changes that the Council may require. However, sometimes people perform below the standard that the job requires, although they are not doing anything deliberately wrong. In these cases, we believe that it is best to deal with these problems openly and fairly and to provide clarity and practical support to improve performance.

## **Dealing with Poor Performance**

Initially your line manager will discuss any concerns about your performance informally with you. Often raising issues promptly helps to solve them by identifying acceptable standards and any support that may be needed.

If your performance continues to fall short of that required, your line manager will arrange a formal meeting to discuss this with you. You will have the right to be accompanied by a work colleague or a trade union representative.

At this meeting your line manager will explain specific areas of your performance that aren't acceptable, and you will have the chance to give reasons for this. You and the Town Clerk will agree a plan covering ways in which you can be supported to achieve acceptable standards, a date for review and a clear indication of what will happen if there is no improvement e.g. dismissal.

The timescale for improvement, with formal reviews, will vary depending on the nature of the problem and the role that the employee has within the Council.

At the final review overall performance will be assessed and, in most cases, this will be the end of the matter, as performance will have improved as agreed.

If sufficient improvements have not been made, consideration should be given to whether you should be transferred to another role better suited to your skills set, or as a last result, dismissed.

## **Appeal Procedure**

If you are dismissed because you are not capable of performing your job to an acceptable standard, you have the right of appeal against this decision. Your appeal should be in writing and sent to the Town Clerk within five working days of the decision and state the reasons for your appeal. The decision from the appeal hearing will be final.