



Kenilworth Town Council

Jubilee House, Smalley Place, Kenilworth, CV8 1QG

Telephone: 01926 859155

E-mail: kentc@kenilworth.org

Town Clerk: Miss M S Field

GRIEVANCE & DISCIPLINARY POLICY

Date of Approval – 11 April 2024

Date of Review – April 2027

Grievance Procedure

1. Introduction

1.1. This procedure applies to all employees of the Council. It is expected that any employee who has a grievance will raise this at the relevant time. This procedure does not therefore apply to former employees.

1.2. 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; and
- to ensure that employees are treated fairly and consistently throughout the Council.

1.3. Matters excluded from this procedure are as follows:

- appeals against salary or gradings;
- appeals against disciplinary actions;
- income tax, National Insurance matters, rates of pay collectively agreed at the national or local level;
- rules of pension schemes; and
- a grievance about a matter over which the Council has no control.

2. Informal grievance procedure

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Town Clerk with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or they wish to pursue a formal grievance they should follow the procedure detailed below.

3. Formal grievance procedure

Standard Council grievance procedure

3.1. The employee must set out their grievance in writing ('Statement of Grievance') and provide a copy to the Town Clerk. The Town Clerk has delegated authority to act on behalf of the Council for this procedure.

3.2. Once the Council has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance, the employee will be invited to attend a grievance meeting to discuss the matter.

- (i) The employee must take all reasonable steps to attend the meeting.
- (ii) Grievance meetings will normally be convened with 14 days of the Council receiving the Statement of Grievance.
- (iii) The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative.
- (iv) If the meeting is inconvenient for either the employee or their companion, the employee has the right to postpone the meeting by up to five working days.

3.3 A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Town Clerk time to consider the decision.

3.4 After the meeting, the employee will be informed of the Council's decision within five working days. The meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

3.5 If the employee wishes to appeal against the Council's decision they must inform the Council within five working days of receiving the decision.

3.6 If 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 Staffing Committee. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee or by a Trade Union representative.

3.7 A grievance appeal meeting will normally be convened within seven working days of the Council receiving notice that the employee wishes to appeal pursuant to 3.5. above. 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 five working days.

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

4. General procedural information

4.1. Grievances raised under the standard Council grievance procedure will normally be investigated, and any meetings to discuss the grievance conducted by the Town Clerk.

4.2. If an employee's grievance is about the Town Clerk they should raise the matter with the Chair of the Council's Staffing Committee. All investigations and any grievance meeting will be conducted by the said Staffing Committee and any grievance appeal meeting will be conducted by three members of the Council who do not sit on the Staffing Committee.

4.3. Where a grievance is raised by the Town Clerk all investigations and any grievance meeting will be conducted by the Staffing Committee. Any grievance appeal meeting will be conducted by three members of the Council who do not sit on the Staffing Committee.

4.4. A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

Disciplinary Procedure

1. Introduction

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:

- fulfil the duties specified in their contract of employment;
- be honest and act beyond suspicion of dishonesty; and
- maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- (i) Unsatisfactory time keeping.
- (ii) Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- (iii) Failure to comply with rules and regulations applicable to job requirements.
- (iv) Failure by an employee to perform the duties and responsibilities of their post to the standard expected by the Council.

(v) Insubordination.

(vi) Any other conduct that from time to time is defined by the Council as amounting to misconduct.

1.2 For first instances of minor misconduct the Town Clerk may speak to the employee informally before implementing a formal disciplinary procedure. However there is no obligation for the Town Clerk to do this.

2. Scope

The procedure applies to all employees of Kenilworth Town Council.

3. Verbal warnings

Verbal warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a verbal warning, they will be warned of the likely consequences of any further disciplinary offences or a failure to improve their conduct to the satisfaction of the Council. A note confirming the verbal warning will be placed on the employee's personnel file and a copy will be provided to the employee. A verbal warning will normally remain in force for six months.

The verbal warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

4. First written warning

In the case of a serious offence, or repetition of an earlier minor offence, the employee will normally be given a first written warning. A first written warning will be issued by the Town Clerk and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or failure by the employee to improve their conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action; and
- iv. the employee's right of appeal.

A first written warning will normally remain in force for six months.

The first written warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

5. Final written warning

If further misconduct occurs within the time period specified in a first written warning, or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will be issued by the Town Clerk and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;

- ii. the likely consequences of any further offence or a failure by the employee to improve their conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action up to and including dismissal; and
- iv. the employee's right of appeal.

Final written warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A final written warning will normally remain in force for 12 months.

6. Standard Council disciplinary procedure

6.1. In the case of further misconduct within the time period specified, in any final written warning, or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee, the following formal disciplinary procedure will be followed.

6.2. The Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.

6.3. The Council will set out in writing the alleged conduct or other circumstances which led the Council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation, and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider their response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.

6.4. Disciplinary meetings will normally be convened within five working days of the Council sending the employee the written statement referred to in 6.3 above. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a Trade Union. The Council will be represented by the Town Clerk.

6.5. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employee's companion should they wish to be accompanied to the meeting pursuant to 6.4 above) the employee may ask to postpone the meeting by up to five working days.

6.6. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Town Clerk time to consider their decision.

6.7. After the meeting, the Council will inform the employee of their decision and any applicable sanction within five working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

6.8. If the employee wishes to appeal against the decision, they must notify the Council in writing within five days of receiving written notice of the decision.

6.9. If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Staffing Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a Trade Union.

6.10. A disciplinary appeal meeting will normally be convened within seven working days of the Council receiving notification that the employee wishes to appeal pursuant to 6.8 above. If the meeting date is inconvenient for the employee or the employee's companion, they may ask to postpone the meeting by up to five working days.

- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
- ii. The disciplinary appeal sanction originally imposed can not be increased upon appeal.
- iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
- iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Staffing Committee time to consider its decision.

6.11. After the disciplinary appeal meeting, the Council will inform the employee of its final decision within five working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

7. Council dismissal procedure for use in gross misconduct

7.1. The following list provides examples of conduct that will normally be regarded by the council as gross misconduct. This list is not exhaustive. These are examples only:

- (i) Refusal or repeated failure by an employee to carry out their duties.
- (ii) Falsification of documents or information (including expense claims).
- (iii) Unauthorised disclosure of confidential information.
- (iv) Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- (v) Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Council
- (vi) Serious or repeated harassment (including sexual and racial harassment).
- (vii) Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
- (viii) Wilful damage to Council property.
- (ix) Theft, unauthorised use or possession of Council property or theft of the property of a fellow employee.
- (x) Conduct bringing the Council into disrepute.
- (xi) Any other conduct that from time to time is defined by the Council as amounting to gross misconduct.

7.2. If an employee is accused of any gross misconduct, they may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a

period of suspension will not normally exceed ten working days unless there are exceptional circumstances.

7.3. The Council will investigate the matter and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed.

7.4. If the Council believes the employee is guilty of gross misconduct, their employment will be terminated summarily without notice or pay in lieu of notice.

7.5. The Council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the Council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations they may have following the termination of employment. This statement will also explain the employee's right to appeal against the Council's decision.

7.6. If the employee wishes to appeal against the Council's decision, they must notify the Council in writing within five working days of receiving notice of the Council's decision pursuant to 7.5 above.

7.7. If the employee appeals, the Council will invite the employee to attend a disciplinary appeal meeting before the Council's Staffing Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a Trade Union.

7.8. Any disciplinary appeal meeting will normally be convened within seven working days of the Council receiving notice from the employee that they wish to appeal pursuant to 7.6 above. If the date of the meeting is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to five working days.

- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
- ii. The disciplinary sanction originally imposed can not be increased upon appeal.
- iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful, they will be reinstated and continuity of employment will be preserved.
- iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Staffing Committee time to consider its decision.

7.9. After the disciplinary appeal meeting, the employee will be informed of the Council's final decision within five working days. The meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

8. General procedural information

8.1. Verbal warnings and written warnings will normally be issued by the Town Clerk. Disciplinary proceedings raised under the standard Council disciplinary procedure will also

normally be investigated and any meetings to discuss the disciplinary proceedings conducted by the Town Clerk.

8.2. Where disciplinary proceedings are instigated against the Town Clerk, verbal warnings and written warnings will be given by the Chair of the Staffing Committee. Any investigations and any meetings will be carried out by the Council's Staffing Committee. Any disciplinary appeal meeting will be conducted by three members of the Council who do not sit on the Staffing Committee.

Whistleblowing Procedure

1. Introduction

1.1 Kenilworth Town Council recognises that those that it employs and provides services to are often in the best position to know when the interests of the public are being put at risk. They can act as an early warning system on matters of health and safety or help to uncover fraud and mismanagement.

1.2 The Council also recognises that these people may not wish to express their concerns for a number of reasons. They may think it is disloyal to do so or they may fear reprisals, or they may not expect any action to be taken, or they may not know the best way to proceed. They may therefore find it easier to ignore their own concerns, or to "blow the whistle" to someone outside the Council.

1.3 The Policy aims to provide the necessary environment for concerns to be raised internally and promptly and adequately dealt with.

2. Policy Statement

2.1 The Council is committed to the highest possible standards of openness, probity and accountability and to dealing with all fraud and other forms of malpractice reported. Any employee, contractor, member of the public or any other organisation with serious or sensitive concerns about any aspect of the Council's work shall be encouraged to come forward and voice those concerns at an early stage without fear of victimisation, subsequent discrimination or disadvantage.

2.2 These concerns may relate to issues that are occurring now, took place in the past, or are likely to happen in the future. All concerns received will be treated in confidence, examined and investigated in accordance with this policy.

3. Scope of the Policy

3.1 The policy is intended to deal with serious or sensitive concerns about wrongdoings in the following areas:

- Conduct amounting to an offence or breach of the law
- Fraud and corruption
- Breaches of Standing Orders and/or Financial Regulations
- Breaches of Codes of Conduct
- Damage to the environment

- Health and Safety Risks
- Discrimination of any kind
- The concealment of evidence relating to any of the above.

This list is indicative, not exhaustive.

4. Safeguards

4.1 Harassment or Victimisation - The Town Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from management or from those responsible for the concern. The Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect employees when they raise a concern in good faith. Any employee found to be victimising another in these circumstances would be guilty of a serious disciplinary offence. Similarly an employee making a malicious or vexatious allegation will be liable to disciplinary action.

4.2 Confidentiality - The Council will do its best to protect employees' identities when they raise a concern. However should the concern raised need to be witnessed for another procedure (for example the Disciplinary Procedure) employees may be asked to provide a signed statement as part of the evidence, thus revealing their identity. This will always be discussed with employees first although in some circumstances the Town Council may have to disclose employee identities without their consent.

4.3 Anonymous Allegations - Employees are encouraged to raise their concerns in writing and to put their name to them. Concerns that are expressed anonymously are less powerful and are less likely to be effective. They will be considered at the discretion of the Town Council and in exercising this discretion the following factors will be taken into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

5. Implementing the policy

5.1 The Council shall take appropriate action to publicise the policy so that all potential whistleblowers:

- feel confident that they are able to contact the Council and raise their concerns about Council practices
- realise that concerns should be raised about any employee, councillor, supplier or anyone who provides services to the public on the Council's behalf
- are aware of the different ways they can inform the Council of their concerns
- understand that concerns will be received in good faith and taken seriously
- are aware that anonymous concerns may not be investigated
- understand that they will receive a response to their concerns and are aware of how to pursue them further if they are not satisfied with the response
- are reassured that they will be protected from victimisation, subsequent discrimination or disadvantage

6. Concerns not covered by the policy

6.1 The Council wants all serious or sensitive concerns to be raised. Any concern that falls under another Council policy or procedure will be investigated in accordance with that policy, for example the grievance or complaints procedure.

7. Whistleblowing procedure

- Decide what is worrying you or making you feel uncomfortable.
- Act early and do not wait until something becomes a major problem.
- Talk about your concerns with someone you can trust and who can look at the situation objectively. It is not your responsibility to investigate wrongdoing – but it is your responsibility to raise the concern.
- Where possible make notes of what you have heard, seen or feel. Date your notes and keep copies of all relevant information. This will help you to report the problem.
- If you are a member of a professional organisation or union you can ask them for help, advice and support.

8. Reporting your concerns

8.1 The Public Interest Disclosure Act 1988 makes it clear that concerns can be raised in the following circumstances:

Internal Disclosure –

- a disclosure to the Town Clerk
- If the Town Clerk is involved in any way, raise your concerns with the Chair of the Staffing Committee. A disclosure will be protected if you have an honest and reasonable suspicion that a bad practice has occurred, is occurring or is likely to occur.

Regulatory Disclosure –

The Act makes special provision for disclosures to prescribed bodies. The bodies listed that are most likely to be of relevance are:

- The Health and Safety Executive (re Health and Safety risks)
- Environment Agency (re environmental issues)
- Inland Revenue/Customs and Excise (re financial irregularities)
- Audit Commission (re public sector finance)
- Standards Board (re Councillors' conduct)
- Information Commission (re breaches of the Data Protection Act)

9. Assurances

The Town Council will ensure that:

- Your concerns are treated seriously and sensitively
- If you ask for anonymity every effort will be made to meet that request

- The investigation will be carried out within the usual bounds of confidentiality. This means that others may have to be informed but you will be told who those people are. As the procedure covers such a wide range of matters it is not possible to lay down timescales but you will be told of overall timescales and advised of progress.
- It takes seriously and acts upon the harassment of any member of staff raising concerns.