



DIGNITY AT WORK

Principles

Every employee has a right to dignity at work in an environment that is free from conduct that they find personally objectionable. A breach of that right occurs when an employee suffers harassment, bullying or victimisation at the hands of their manager, a colleague or a councillor. Any or all of these pollute the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it.

What Constitutes a Breach of “Dignity at Work”?

Harassment is generally described as conduct or behaviour, verbal or non-verbal, that is unwelcome, unwarranted and is detrimental to the well-being and self-esteem of the person affected.

Motivation is irrelevant and a single incident can amount to harassment if sufficiently grave. Examples of harassment include sexual or racial banter about another employee (including by email), derogatory comments relating to an employee’s disability, the display of material with unacceptable sexual or racial overtones and unwelcome sexual attention.

Bullying is primarily intimidating, but may also be insulting, offensive or malicious. It is frequently recognised through the abuse or misuse of power, or through means intended to undermine, humiliate, denigrate or create a detriment for the employee. It can be related to age, sex, race, disability, religion, ethnic origin or some personal characteristic of the individual. It may be persistent or an isolated incident. The crucial point is that the actions or comments are viewed as demeaning and unacceptable to the recipient. It could be an act, omission or conduct which causes a person to be alarmed or distressed. This is often in the form of intimidatory behaviour towards colleagues. Examples of bullying include:

- > personal insults, physical abuse, unjustified and/or excessive criticism on more than one occasion or deliberately ignoring someone.
- > spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, sexual orientation and religion or belief)
- > copying memos that are critical about someone to others who do not need to know
- > ridiculing or demeaning someone — picking on them or setting them up to fail
- > exclusion or victimisation
- > unfair treatment, overbearing supervision or other misuse of power or position
- > unwelcome sexual advances — touching, standing too close, display of offensive materials
- > making threats or comments about job security without foundation
- > deliberately undermining a competent worker by overloading and constant criticism

Victimisation occurs when employees are treated less favourably than their colleagues *eg:* because they have either brought proceedings in an employment tribunal against the employer or had any connection with proceedings brought against the employer, or made any allegations against the employer that may give rise to a claim in an employment tribunal. Examples of victimisation include disciplining an employee unnecessarily, pressuring an employee to drop an allegation they have made and making sarcastic personal remarks.

First steps

If an employee feels that they have been the victim of harassment, bullying or victimisation they should initially approach the Town Clerk for a confidential discussion. If the allegation concerns the Town Clerk, first approach should be to the Chairman of Personnel Panel or the Mayor. If the complaint cannot be informally resolved at this stage, then a written complaint will be requested and will be followed by the processes described below

Penalties

If it transpires that a member of staff has breached the right to dignity at work of another member of staff they may have committed misconduct and will be treated accordingly.



Part A - DISCIPLINARY POLICY

D1. Purpose and Scope

This policy is based upon and complies with the 2015 ACAS Code of Practice. It is designed to help council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

D2. Principles

This policy confirms:

- the Council will promptly and fully investigate the facts of each case
- where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case.
- the Council recognises that misconduct and unsatisfactory work performance are different issues.

The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective.

1. Employees will be informed promptly, in writing, about the nature of a complaint against them and given the opportunity to state their case
2. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the Council for use at any disciplinary hearing.
3. If there is an investigatory meeting this should not by itself result in any disciplinary action.
4. Employees may be accompanied or represented by a trade union representative or a work colleague at any disciplinary or investigatory meeting. 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 or employer from explaining his/her case
5. The Council will give employees reasonable notice of any meetings. Employees must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken.
6. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.
7. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date.
8. Any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
9. Information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 1998
10. If an employee is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration will be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and customers
11. Employees have the right to appeal against any disciplinary action. The appeal decision is final.



12. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently
13. Disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal
14. Except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
15. If an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
16. The Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

D3. Examples

The following lists provide examples of offences that are normally regarded as misconduct, or gross misconduct. Judgements as to whether an instance of such misconduct has occurred are at the discretion of the Council. Examples listed as Absence or Capability may also be subject to disciplinary action, but are less likely to be treated as serious for a first offence. The lists are not exhaustive or exclusive:-

a) **Misconduct**

- minor damage to Council property
- abusive behaviour
- disobedience, insubordination or refusal to obey reasonable requests of a supervisor
- carelessness leading to unsatisfactory work performance
- inappropriate dress and/or personal appearance and hygiene
- refusal to work in accordance with agreed procedures and agreements.
- Unauthorised absence from work.
- Minor breach of health & safety regulations
- incapacity through alcohol, drugs, or similar, where consequences are not serious.
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour

b) **Gross Misconduct**

- fighting; violent, dangerous or intimidating conduct
- fraud, theft or unauthorized possession of employers property or another employees' property
- falsification of forms or medical records
- discrimination on racial or religious grounds, or grounds of sex, marital status, or disability, including harassment
- acceptance of work-related bribes or inducements
- refusal to carry out a reasonable instruction
- incapacity at work because of intoxication by drink, drugs, solvents, or similar
- serious breach of Council rules or procedures
- serious negligence which might cause unacceptable loss, damage, or injury
- bringing the Council into disrepute
- wilful or serious damage to Council property
- misuse of the Council's name or property; misrepresentation
- any fraudulent act or omission eg falsification of time-sheets
- any wilful or reckless act constituting a danger to the health and safety of any person
- serious breach of health and safety rules



-
- bringing harmful substances onto Council premises without authorization
 - deliberate or persistent failure to follow Council procedures or instructions
 - deliberate damage to other employees' property
 - misuse of plant or equipment
 - serious breach of security
 - commercial activity directed against the Council's interests
 - unauthorized disclosure of sensitive or confidential information
 - false and malicious accusations
 - disclosures made for personal gain
 - intimate behaviour with staff colleagues whilst on duty or acting in the course of employment
 - serious breach of contract in respect of duties set-out in the contract
 - misappropriation of funds
 - unauthorized use of Council property
 - smoking in an unauthorized area
 - inappropriate, abusive, or offensive language
 - misuse of sensitive or personal data
 - gross insubordination
 - submission of false references
 - gross negligence
 - bullying, discrimination and harassment
- c) Absence issues considered unsatisfactory or unacceptable**
- poor record of attendance
 - poor timekeeping/lateness for work
 - unauthorized absence
 - failure to comply with rules for sickness absence
 - prolonged absence through ill-health
 - repeated absence through ill-health
 - persistent casual absence
 - mixed absence *eg* where high level of both sickness and unjustified absence
- d) Capability issues considered unsatisfactory or unacceptable**
- output falling below minimum required level
 - lack of necessary skills/work at an unacceptably slow pace
 - lack of appropriate qualifications
 - lack of knowledge necessary for the job
 - aptitude/mental quality *eg* if inflexible and not adaptable, or difficult and abrasive, affecting other employees' quality of work
 - health (physical or mental) *eg* record of attendance is poor due to ill-health or injury, or frequent short-term absences due to a recurring condition, or incapacity to perform duties due to accident or illness (NB other statutory considerations may apply, such as the provision of adaptations to your work environment to enable you to continue in your post following disability)
 - unsatisfactory management of staff
 - unsatisfactory communication skills

D4. The Procedure

DISCIPLINARY INVESTIGATION

4.1 There will be an investigation of the facts. The Council's Personnel Panel will appoint an Investigator who will be responsible for undertaking the disciplinary investigation. The Investigator will be independent of the complaint. If the Personnel Panel considers that there is no-one who is independent (for example, because they all have direct involvement in the allegations about the



employee), it will appoint someone from outside the council. The Investigator will be appointed as soon as possible after the allegations have been made. The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the council may decide to commence disciplinary proceedings at the next stage.

4.2 The Personnel Panel will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting. The employee will be given at least five working days' notice of the meeting so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets, he/she will have the opportunity to comment on the allegations of misconduct.

4.3 Employees may be accompanied or represented by a trade union representative or a work colleague at any investigatory meeting.

4.4 If there are other persons (*eg* employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

4.5 The Investigator will not take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Personnel Panel whether or not disciplinary action should be taken.

4.6 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
- the employee has a case to answer and there should be action under the Council's disciplinary procedure.

4.7 The Investigator will submit the report to the Personnel Panel which will decide whether further action will be taken.

4.8 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

DISCIPLINARY MEETING

4.9 If the Personnel Panel decides that there is a case to answer, it will convene a disciplinary meeting. The meeting will appoint a Chairman from one of its members. The Investigator shall not be one of its members. No Councillor with direct involvement in the matter shall be included. The employee will be invited, in writing, to attend the disciplinary meeting. The invitation will confirm the following:

- the names of the Panel members sitting at the meeting
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting



- that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing
- that the employee may be accompanied by a companion, either a trade union representative or a work colleague

4.10 The disciplinary meeting will be conducted as follows:

- the Chairman will introduce all those present
- the investigator will present the findings of the investigation report
- the Chairman will set out the council's case and present supporting evidence (including any witnesses)
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- any member of the Panel and the employee (or the companion) may question the Investigator and any witness.
- the employee (or the companion) will have the opportunity to sum up his/her case.
- the Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated.

DISCIPLINARY ACTION

4.11 If the Panel decides that there should be disciplinary action, it may be any of the following:

4.12 Oral warning

An oral warning is issued for most first instances of minor misconduct. The council will notify the employee:

- of the reason for the warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- of the right to appeal
- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

4.13 Written warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

4.14 Final written warning

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal



- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

4.15 Dismissal

The council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

If the Panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal.

APPEAL

4.16 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

4.17 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

4.18 The Appeal Panel will be appointed by Council. Members of the Personnel Panel who have previously been involved will provide evidence only, and may not sit on the appeal panel. The appeal panel will appoint a Chairman from one of its members.

4.19 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion, either a trade union representative or a work colleague.

4.20 At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Personnel Panel
- explain the action that the appeal panel may take.

4.21 The employee (or companion) will be asked to explain the grounds for appeal.

4.22 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.

4.23 The appeal panel may decide to uphold the decision of the Personnel Panel, 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.

4.24 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

4.25 The appeal panel's decision is final.



Part B - GRIEVANCE POLICY

G1. Purpose and Scope

This policy is based on and complies with the 2015 ACAS Code of Practice. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

G2. Principles

This policy confirms:

1. Employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or work colleague. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to 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/er from explaining their case
2. The Council will give employees reasonable notice of the date of grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date.
3. Any changes to specified time limits must be agreed by the employee and the Council
4. An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
5. Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the Data Protection Act 1998
6. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
7. The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.

G3. The Procedure:

INFORMAL GRIEVANCE PROCEDURE

3.1 The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Town Clerk, or the chairman of the Personnel Panel or, if appropriate, another member of the Personnel Panel.



FORMAL GRIEVANCE PROCEDURE

3.2 If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the Town Clerk, or the chairman of the Personnel Panel or, if appropriate, another member of the Personnel Panel.

3.3 The Personnel Panel will appoint an investigator to investigate the grievance. The Panel may appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall sit on the Panel.

INVESTIGATION

3.4 The investigator will investigate the matter before the grievance meeting which may include interviewing others (*eg* employees, councillors or members of the public).

NOTIFICATION

3.5 Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a meeting. The invitation will include the following:

- the names of the Chairman and other members of the Panel
- a summary of the employee's grievance based on his/her written submission
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the council received the grievance
- the employee's right to be accompanied by a trade union representative or work colleague
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

THE GRIEVANCE MEETING

3.6 At the grievance meeting:

- the Chairman will introduce all present.
- the employee (or companion) will set out the grievance and present the evidence.
- the Chairman will ask the employee what action he/she wants the council to take
- any member of the Panel and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- the Chairman will provide the employee with the Panel's decision, in writing, within five working days of the meeting. This will notify the employee of the action, if any, that the council will take and of the employee's right to appeal
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated further.

THE APPEAL

3.7 If an employee decides that his/her grievance has not been satisfactorily resolved, he/she may submit a written appeal to the Personnel Panel. An appeal must be received by the Council within five working days of the employee receiving the decision and must specify the grounds of appeal.

3.8 Appeals may be raised on a number of grounds, *eg*:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence



-
- the action proposed was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.

3.9 The Appeal Panel will be appointed by Council. Members of the Personnel Panel who have previously been involved will provide evidence only, and may not sit on the appeal panel. The appeal panel will appoint a Chairman from one of its members.

3.10 The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a trade union representative or work colleague.

3.11 At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Personnel Panel
- explain the action that the appeal panel may take.

3.12 The employee (or his/her companion) will be asked to explain the grounds of his/her appeal. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

3.13 The appeal panel may decide to uphold the decision of the Personnel Panel or substitute its own decision.

3.14 The decision of the appeal panel is final.