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From: UK Local Councils <admin@localcouncils.org>

Sent: 18 January 2021 18:07

To: Clerk <clerk@cdpc.org.uk>

Subject: Ticket #1398115: Disciplinary And Grievance Policy Query

Fiona Palmer,

The following ticket has been updated:

Ticket #: 1398115

Subject: Disciplinary And Grievance Policy Query

Status: Closed

Priority: Important

Category: Employment

Date: Mon, 18 Jan 2021 18:07:27 +0000

Author: Jake Atkinson

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Hi Fiona,

I went to Chris Moses as he seems a more appropriate source of answers to the issues posed, and an independent view on what your councillor proposes. NALC commissioned a provider to create the model document you refer to so it is possible it may take some time to get answers via the NALC route.

Remember, the model documents are intended to be amended to suit the council using them, so it is to be expected that council's will propose their own amendments.

Please see below for Chris' response.

Regards,

Jake

Hi Jake,

I was asked by Wendy at DALC to look at the NALC draft procedure in Aug 18 when it was first produced and came up with the same points.

1 There is no entitlement to be accompanied at an informal investigatory meeting. It should simply be a one to one between an Employee to give the member of staff a chance to clear up any misunderstanding. Giving them prior notice and involving Union Reps or colleagues gives it the look of a formal hearing without the full requirements of a disciplinary hearing. This could be a big problem at an Employment Tribunal.

2 I also agree with the need to conduct a Grievance Hearing before a disciplinary. If the Employee's complaint concerns the disciplinary process, ACAS guidelines recommend conducting the grievance hearing before moving onto the disciplinary hearing.

3 If an Employee is to be suspended on full pay, they need to be given the reasons why that course of action has been chosen. It could be to protect evidence, other colleagues, it the accused Employee. This needs to be set out in writing to the Employee and they need to be informed that it will be kept under review.

Kind regards

Chris Moses LLM Chartered FCIPD

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