

Appendix D – Staff Side Comments

Licensing and General Purpose Committee 22 January 2018

Agenda Item: 6.3 - Disciplinary, Grievance, Dignity at Work and other Staff Policy Updating

Disciplinary & Grievance Procedures

Paragraphs 6 to 10

Informal discussions, or an investigation that involves the member of staff, should preferably take place before formal disciplinary action is taken. An exception to this might be where there has been fraud or theft, but generally, members of staff should be made aware that they are being investigated and included within that investigation.

Dignity at Work

Paragraph 13 (old version)

Both parties, the complainant and the respondent, will have a right of appeal under the procedure.

If the complainant, believes that the complaint has not been dealt with satisfactorily and remains aggrieved, the complainant may appeal against the decision. The respondent will also be able to appeal against the decision if he or she feels that the complaint has not been dealt with appropriately.

The Appeal will be heard by an officer who is senior to the officer who made the decision and who has not been involved previously in the procedure. Where the decision in question has been made by the Director personally, the appeal will be heard and determined by another Director or the Chief Executive.

The appeal should be made in writing, giving reasons, and submitted within 10 working days of the employee receiving the written confirmation of the Head of Service decision.

The complainant will not be able to appeal if the complaint has already resulted in formal disciplinary action against the person who was the subject of the complaint.

Within 10 working days of receipt of an appeal, the officer hearing the appeal shall meet with the employee and, if the employee so wishes, his or her trade union representative or nominated fellow worker.

The officer hearing the appeal will give his or her decision orally at the conclusion of the meeting. He or she may uphold or reject the appeal. Alternatively, a different decision may be substituted. The decision will be confirmed in writing within 3 working days of the meeting. This will be the final level of appeal within the authority.

Request that this section be retained preserving the right of appeal.

Paragraph 21 f)

Request removal of 'no right to be accompanied'.

A victim of harassment or bullying may be in need of support; this could be seen as discriminatory compared this support as offered to those involved in a Disciplinary or Grievance.

Paragraph 25 e)

The complaint appears to have been made maliciously, with no basis in fact, and was purely an attempt to damage the alleged harasser or bully in some way. Formal action against the complainant will need to be considered in the circumstances.

Suggest change to:

If there are grounds to believe the complaint has been made maliciously, with no basis in fact, and was purely an attempt to damage the alleged harasser or bully in some way. Formal action against the complainant will need to be considered in the circumstances.

The use of 'appears' could put staff off from raising issues for fear of being punished if their claim is not successful.

UNISON Staff Side
Rother District Council
17 January 2018