



Sherborne St. John Parish Council

Disciplinary & Grievance Appeals Panel Terms of Reference

These Terms of Reference were approved and adopted by a Meeting of the Parish Council held on 29 June 2022.

Signed: Richard Morgan
(Councillor and Chair)

Signed: Melanie Camilleri
(Locum Clerk and Responsible Financial Officer)

Date: 29 June 2022

Delegation of Powers from Sherborne St. John Parish Council to the Disciplinary & Grievance Appeals Panel

The legal basis of the delegation conferred by this document is contained in the provisions of Section 102 of the Local Government Act 1972.

The following pages set out the manner in which Sherborne St. John Parish Council has delegated its powers. Understanding of this is essential for anyone who wishes to know who is legally able to give a decision on any matter. This document is one of the three major ways in which the Council regulates its affairs; the others are its Standing Orders and Financial Regulations.

This means that on matters not reserved for consideration by Full Council (such as issuing a precept, borrowing money, and deciding major policy), the Disciplinary & Grievance Appeals Panel can RESOLVE to act.

1. Purpose

- 1.1 The Disciplinary & Grievance Appeals Panel is constituted to hear an Employee's right of appeal following a decision made by the Sherborne St. John Parish Council's Disciplinary & Grievance Committee in relation to their hearing.
- 1.2 Appeals may be raised on a number of grounds:-
 - 1.2.1 Failure by Sherborne St. John Parish Council to follow the Disciplinary & Grievance Procedures
 - 1.2.2 The decision was not supported by the evidence
 - 1.2.3 The action proposed by the Disciplinary & Grievance Committee was inadequate/inappropriate
 - 1.2.4 New evidence has come to light since the hearing.
- 1.3 The Disciplinary & Grievance Appeals Panel will not consider appeals on Code of Conduct complaints dealt with by the Monitoring Officer. Following the Ledbury decision (the High Court case of R (Harvey) v Ledbury Town Council [2018], Councils has no power to deal with it.

2. The Appeals Panel

- 2.1 The appeal will be heard by a panel of 3 (three) Members who have not previously been involved in the case.
- 2.2 Where there is insufficient Members who have not previously been involved in the case, the Appeals Panel will be a committee of 3 (three) Members of Sherborne St. John Parish Council who may include Members of the Disciplinary & Grievance Committee.
- 2.3 Full Council will decide which Member shall be appointed Chair of the Disciplinary & Grievance Appeals Panel.
- 2.4 Disqualification from Membership of the Disciplinary & Grievance Appeals Panel is the same as that for the Parish Council.

3. Standing Orders and Policy

- 3.1 The Standing Orders adopted by Sherborne St. John Parish Council will apply to Disciplinary & Grievance Appeals Panel Meetings.
- 3.2 3 (three) Members will constitute a quorum.
- 3.3 The Disciplinary & Grievance Appeals Panel will act in accordance with Sherborne St. John Parish Council's Disciplinary and Grievance Procedures.

4. Meetings

- 4.1 Meetings will be held as and when required and in accordance with Sherborne St. John Parish Council's Disciplinary and Grievance Procedures.
- 4.2 Given the nature of the Meeting it is likely to be closed to members of the public and press under the Public Bodies (Admission to Meetings) Act 1960 Sec 1 (2) by reason of the personal nature of the business to be discussed.
- 4.3 If the Clerk is the subject of the Appeal hearing, either a Locum Clerk or a Member of the Disciplinary & Grievance Appeals Panel will be appointed to record the Minutes.
- 4.4 The Minutes, once agreed, will be signed by the Chair of the Disciplinary & Grievance Appeals Panel at the earliest possible opportunity and the outcome reported to Full Council.
- 4.5 The Minutes and any associated notes are confidential and excluded from the usual rules concerning publication of governing body proceedings as they relate to a named Employee of the Parish Council. In this respect the Disciplinary & Grievance Appeals Panel and Sherborne St. John Parish Council will comply with GDPR.

5. Decisions

- 5.1 The Disciplinary & Grievance Appeals Panel has delegated powers to uphold the disciplinary decision of the Disciplinary & Grievance Committee, substitute a less serious sanction, or decide that no disciplinary action is necessary.
- 5.2 The Disciplinary & Grievance Appeals Panel's decision is final (with no further right of appeal).
- 5.3 The Chair of the Disciplinary & Grievance Appeals Panel will notify the Employee of the outcome in accordance with Sherborne St. John Parish Council's Disciplinary and Grievance Procedures.