



Sherborne St. John Parish Council

Disciplinary & Grievance Committee 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 Committee

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 Committee can RESOLVE to act.

1. Purpose

1.1 The Disciplinary & Grievance Committee is constituted to hear representations concerning:-

- 1.1.1 Disciplinary matters relating to an Employee of Sherborne St. John Parish Council
- 1.1.2 Grievance matters relating to an Employee's complaint against a Member of Sherborne St. John Parish Council.

Following the Ledbury decision (the High Court case of R (Harvey) v Ledbury Town Council [2018]), this excludes complaints about a Member's Code of Conduct. Councils have no powers to deal with it. Such complaints can only be dealt with by the Employee submitting their complaint to the principal authority's Monitoring Officer. The Monitoring Officer will let the Employee know if their complaint doesn't concern the Code of Conduct, in which case the Employee may make a formal complaint under the Sherborne St. John Parish Council's grievance procedure.

1.2 If an Employee who is already subject to Sherborne St. John Parish Council's disciplinary procedure raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.

1.3 The Disciplinary & Grievance Committee has delegated powers to determine an appropriate outcome on disciplinary and grievance matters.

2. Membership

2.1 Membership shall consist of at least 3 (three) named Members of Sherborne St. John Parish Council appointed by Full Council.

2.2 Up to an additional 2 (two) named persons who are not Members of Sherborne St. John Parish Council may be co-opted on to the Disciplinary & Grievance Committee where Full Council considers this to be appropriate.

2.3 Any Member of the Disciplinary & Grievance Committee must be sufficiently impartial to hear representations. Councillors with direct involvement in a disciplinary or grievance matter should not be appointed to the Disciplinary & Grievance Committee or to an Appeals Panel.

2.4 The person who was appointed by Sherborne St. John Parish Council to conduct the formal disciplinary investigation shall not sit on the Disciplinary & Grievance Committee.

- 2.5 Full Council will decide which Member shall be appointed Chair of the Disciplinary & Grievance Committee.
- 2.6 Disqualification from Membership of the Disciplinary & Grievance Committee 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 Committee Meetings.
- 3.2 3 (three) Members will constitute a quorum.
- 3.3 The Disciplinary & Grievance Committee 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 a hearing, either a Locum Clerk or a Member of the Disciplinary & Grievance Committee will be appointed to record the Minutes.
- 4.4 The Minutes, once agreed, will be signed by the Chair of the Disciplinary & Grievance Committee 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 Committee and Sherborne St. John Parish Council will comply with GDPR.

5. Decisions

- 5.1 Disciplinary action taken by the Parish Council can include a written warning, final written warning, or dismissal. Where the Disciplinary & Grievance Committee determines the matter to be one of gross misconduct, dismissal shall be without notice.
- 5.2 The decision of the Disciplinary & Grievance Committee, including dismissal, will be binding and will not require additional ratification by Full Council.
- 5.3 The Chair of the Disciplinary & Grievance Committee will notify the Employee of the outcome (including their statutory right to appeal) in accordance with Sherborne St. John Parish Council's Disciplinary and Grievance Procedures.
- 5.4 The appeals process is set out in Sherborne St. John Parish Council's Disciplinary and Grievance Procedures and in Sherborne St. John Parish Council's Disciplinary & Grievance Appeals Panel Terms of Reference document.