

# ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,  
79 Main Road, Onchan.*

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## ORDINARY MEETING

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*17<sup>th</sup> August 2023*

Sir/Madam

You are hereby summoned to attend an **ORDINARY Meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN** to transact the undernoted business on:

**Monday 21<sup>st</sup> August 2023**

**7:00 pm - Board Meeting**

which will be followed by a meeting of the Board sitting **IN COMMITTEE**. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

**Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings, and will be published after ratification.**

Yours faithfully



**R PHILLIPS  
CHIEF EXECUTIVE/CLERK**

## AGENDA

*The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No. 24 unless varied by the Chairman at his discretion (with the exception of items 1, 2, 3 or 4 which cannot be varied) or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.*

**1. To choose a person to preside if the Chair and Vice-Chair be absent.**

None.

**2. To deal with any business required by statute to be done before any other business.**

None.

**3. To approve as a correct record and sign the Minutes of the:-**

**3.1** Minutes of the Ordinary Meeting held on Monday 7<sup>th</sup> August 2023 (Appendix 3.1)

**3.2** (P) Staff Minutes of the Ordinary Meeting held on Monday 7<sup>th</sup> August 2023 (Appendix 3.2)

**4. To dispose of any relevant business arising from such minutes if not referred to in the Minutes of any Special Committee:-**

None.

**5. To dispose of any relevant business adjourned from a previous meeting:-**

None.

**6. To deal with any business expressly required by statute to be done:-**

None.

**7. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee:-**

**7.1 Plans for Consideration**

(Appendix 7.1)

	PA Reference	Applicant/Address	Return Date
(a)	PA23/00229/B	Ms G Rothwell - 21 Church Road	21 <sup>st</sup> August 2023
(b)	PA23/00758/B	Mr K Pankovoski - 6 Royal Avenue	25 <sup>th</sup> August 2023
(c)	PA23/00846/B	Mr M Lambourne - 4 Birch Hill Avenue	1 <sup>st</sup> September 2023
(d)	PA23/00863/B	Mr J Whitehead - 33 Birch Hill Avenue	8 <sup>th</sup> September 2023

(e)	PA23/00886/B	Mr & Mrs B Cartmell -Kerrowdhoo Farm Little Mill Road	8 <sup>th</sup> September 2023
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**8. Finance and General Purposes:-**

- 8.1 (P) Draft Financial Statements for the Year Ended 31<sup>st</sup> March 2023 (Appendix 8.1)  
 8.2 (P) 2022/23 Year End Internal Audit Report (Appendix 8.2)

**9. Consideration of any Reports from the Clerk or other Officer:-**

- 9.1 Grievance Policy & Procedure (Appendix 9.1)  
 9.2 Disciplinary Policy & Procedure (Appendix 9.2)  
 9.3 (P) Ocean Views (CEO to report)

**10. Consideration of any relevant correspondence (already circulated unless indicated):-**

- 10.1 Lezayre Parish Commissioners Civic Sunday (Appendix 10.1)

**11. To answer any questions asked under Standing Order 34:-**

To be confirmed.

**12. To answer any Motions in the order in which notice has been received:-**

None.

**13. Environmental and Technical Services:-**

None.

**14. Housing Matters:-**

- 14.1 Housing Allocations Update (Appendix 14.1)

**15. Chair's Announcements:-**

**Dates for Diary**

Date	Organisation	Event	Time
19 <sup>th</sup> August 2023	Rob Callister MHK	Political Surgery – The Hub	10:00 am to 11:30 am
19 <sup>th</sup> August 2023	St Peter's Church	Fizzy Afternoon with Musical Entertainment – St Peter's Church	2:00 pm
21 <sup>st</sup> August 2023	Onchan District Commissioners	Board Meeting	7:00 pm

2 <sup>nd</sup> September 2023	Rob Callister MHK	Political Surgery – The Hub	10:00 am to 11:30 am
4 <sup>th</sup> September 2023	Onchan District Commissioners	Board Meeting	7:00 pm
6 <sup>th</sup> September 2023	The Friends of Onchan Heritage	The Lost Farms and Railway of West Baldwin Reservoir – Village Hall, Royal Avenue	7:30 pm

16. Any other URGENT business as authorised by the Chair for consideration:



## PLANS LIST

**Board Meeting to be held on 21<sup>st</sup> August 2023**

**The Lead Member of Environmental and Technical Services and the District Surveyor have viewed the application and recommend the following:-**

Planning Application	Applicant/Address	Description
PA23/00229/B <b>Return Date</b> <b>21/08/23</b>	Ms G. Rothwell 21 Church Road	Replacing single glazed timber windows with uPVC double glazed windows and replace timber front door with uPVC door. <b>(amended plans)</b>
	<b><i>For Members consideration</i></b>	
PA23/00758/B <b>Return Date</b> <b>25/08/23</b>	Mr K. Pankovoski 6 Royal Avenue	Application of a cork spray exterior render.
	<b><i>For Members' consideration</i></b>	
PA23/00846/B <b>Return Date</b> <b>01/09/23</b>	Mr M. Lambourne 27 Majestic Drive	Remove defective chimney stack above the roof line. <b>(retrospective)</b> .
	<b><i>Recommendation – Approve</i></b>	
PA23/00863/B <b>Return Date</b> <b>08/09/23</b>	Mr J. Whitehead 33 Birch Hill Avenue	Application for demolition of existing structure to rear of property and construction of new extension. <b>(retrospective)</b> .
	<b><i>Recommendation – Approve</i></b>	
PA23/00886/B <b>Return Date</b> <b>09/09/23</b>	Mr & Mrs B. Cartmell Kerrowdhoo Farm Little Mill Road	Removal of existing uPVC conservatory and replacement with new sun room.
	<b><i>Recommendation – Approve</i></b>	





**ONCHAN  
DISTRICT  
COMMISSIONERS**

# GRIEVANCE POLICY & PROCEDURE

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Policy Date: July 2023  
Review Date: July 2026



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### Policy Review - History:

Acknowledgement to the Isle of Man Government who have shared their policy.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
1	2006	New Document
2	April 2020	Updated
3	May 2021	Updated
4	July 2023	Updated

## **1. INTRODUCTION**

- 1.1** Grievances are concerns, problems or complaints that employees or group of employees may raise with their employers, regarding their employment.
- 1.2** The aim of the procedure is to settle any grievance quickly and as near to its point of origin as possible, in a fair, structured and non-confrontational manner. Therefore, early informal discussions to resolve any grievances are encouraged.

## **2. SCOPE**

- 2.1** The Grievance Procedure applies to individuals employed under the following terms and conditions:-
  - a) NJC Employees
  - b) Public Services Commission Manual and Craft Workers.
- 2.2** This Grievance Procedure applies to all employees including those on probation, seasonal and zero based contracts.
- 2.3** Exclusions:-
  - a) Complaints that fall under other policies or procedures e.g. Capability, Disciplinary and Whistleblowing;
  - b) Appeals arising from appeal procedures contained in other agreed schemes and procedures for example, Disciplinary/Capability;
- 2.4** The Grievance procedure cannot be used to deal with disciplinary or capability matters, which should be dealt with in accordance with the relevant Disciplinary or Capability Procedures.

## **3. PURPOSE**

- 3.1** The purpose of the Grievance Procedure is to:
  - 3.1.1** Provide a clear framework and guidance so that employees know how to raise concerns about their work or the actions of their employers, or fellow employees that affect them;
  - 3.1.2** Provide Line Managers with a framework and guidance for resolving grievances at the lowest possible level.

## **4. PRINCIPLES**

The following principles will apply to the application of the procedure:

- 4.1** The Grievance Procedure is intended to provide a means of resolving issues when other means could have failed. It is not intended to be a vehicle for criticism or complaint against another individual or group of employees.
- 4.2** If an employee feels that they cannot raise their grievance directly with their immediate Line Manager then they should consult a Senior Manager, HR or a trade union/staff association-representative e.g. this maybe where the Line Manager is the subject of the grievance.
- 4.3** In grievance proceedings the evidence need only be sufficient to provide reasonable grounds, with decisions being based on the balance of probability (this is different in a court of law, where matters must be proved beyond reasonable doubt).
- 4.4** Human Resources ("HR") is available to provide advice and support and may also be invited to attend meetings to advise on procedural matters and employment legislation. Line Managers and employees may seek advice from HR at any stage in the procedure. All parties involved in the procedure must ensure that they maintain, as appropriate, the confidentiality of the process within and outside of the Authority.
- 4.5** Once a grievance is concluded, and in accordance with Data Protection Principles, documentation relating to matters reviewed under this procedure should be retained in accordance with the Authority's Document Retention Policy and Procedure.
- 4.6** Information generated and collated during the application of these procedures maybe disclosed (appropriately redacted) as part of a Subject Access Request.
- 4.7** Courts and Tribunals may order disclosure of documents, irrespective of whether or not they are confidential. These will be redacted where permitted.
- 4.8** These procedures will be reviewed every three years.

## **5. RIGHT TO BE ACCOMPANIED**

- 5.1** At each stage of the formal process the employee should be advised of their statutory right to be accompanied by a work colleague or trade union/staff association representative when invited by their employer to any formal meetings or hearings, and when they make a reasonable request to be accompanied. This right is additional to any contractual rights.
- 5.2** Employees who require special assistance, for example, disabled employees or those whom English is not their first language, may also be accompanied by a suitable companion. There is no right to be accompanied by a legal representative.
- 5.3** It is the employee's responsibility to arrange for a work colleague or trade union/staff association representative, McKenzie friend or a person of their choosing to attend with them and to ensure that the person they choose to accompany them is available to attend meetings. Line Managers should provide sufficient time for an employee to make these arrangements.
- 5.4** Colleagues or trade union officials do not have to accept a request to accompany a worker, and they should not be pressurised to do so.
- 5.5** The person accompanying the employee has the right to address the hearing but no right to answer questions on the employee's behalf. They should be allowed to address the hearing in order to:
- Present the employee's case;
  - Sum up the employee's case;
  - Respond on the employee's behalf to any view expressed at the hearing; and
  - Confer with the employee during the hearing.
- 5.6** The person accompanying the employee may not address the hearing if the employee does not wish it and must not prevent other parties from presenting their cases.

## **6. THE PROCEDURE**

- 6.1** The responsibility for progressing a grievance through the procedure lies with the employee in conjunction with the employer. The employee, should indicate their intention to commence the Grievance Procedure and proceed to the next stage by completing the relevant section of the grievance form GP1 at Annex A, providing the reasons for the continued dissatisfaction.
- 6.2** Line Managers should, unless there are extenuating circumstances, seek to adhere to the prescribed timeframes.

**6.3** Unless there are extenuating circumstances, if any party fails to attend an arranged meeting or hearing without giving notice or arranging a revised date with all parties concerned, then a decision will be made based on the evidence available and communicated to all relevant parties following the meeting/hearing.

**6.4** All stages in the handling of a grievance should be recorded on the form GP1 – Grievance Record, provided at Annex A. It should be noted that the Grievance Record is the only paperwork which will be produced at each stage of the process and it should therefore be fully completed at each stage. All parties, including HR who should be given copies of all documentation. HR will keep a copy of the Grievance Record and any supplementary written information. An employee is entitled to access copies of the written record and should they disagree with the contents may indicate this, with reasons, on the Grievance Record.

**6.5 Matters pertaining to timescales:-**

- i) Whilst every endeavour will be made to comply with timescales within the document, due to the complexity and or specific circumstances of cases, timescales may be extended. In such circumstances the employee should be advised in a timely manner of the reasons for any delay and expected resolution.
- ii) Promptness in resolving the grievance can help minimise the discontent and frustration that may come from delay. Thus, it is good practice to incorporate time limits between the stages to expedite prompt resolution of the issue(s) and early return to an improved working relationship.
- iii) An employee who wishes to pursue a grievance must be allowed reasonable time off work to seek the advice of their trade union association-representative subject to obtaining permission from their Line Manager and the operational needs of the service.
- iv) In each case there should be some flexibility to extend the time limit where, for example, the person who has authority to deal with the situation is on leave or absent through illness. Where the Line Manager is absent through sickness, a determination must be made as to whether the grievance should be dealt with immediately or upon the Line Manager's return to work. This must be done in consultation with the employee.
- v) All parties must be kept informed if it is not possible to adhere to prescribed timescales.
- vi) If an employee, their relevant work colleague or trade union/staff association-representative, is unable to attend a meeting on the date specified due to illness or any other extenuating circumstance, an alternative date will be arranged. The employee concerned must propose another date and time no more than 5 working days after the original proposed meeting, having regard to the availability of the other parties involved. The Line Manager will make the necessary



arrangements once the revised date is agreed.

- 6.6** Depending upon the nature of the issue, the initial stage of the procedure may not be an appropriate place to start. With the agreement of both parties the procedure may be initiated at Stage 2.
- 6.7** Similarly, with the agreement of both parties, an issue may be referred back to any previous stage of the procedure if there is a reasonable expectation of a more expedient or acceptable solution.

## **STAGE ONE**

- 6.8** The purpose of Stage 1 is to enable an employee to raise a grievance with their Line Manager or with the person whose decision has allegedly caused the issue. This is important because it allows the decision maker opportunity to review any decision(s) made which caused the dissatisfaction potentially enabling the grievance to be resolved directly.
- 6.9** Senior Management must permit Line Managers some degree of delegated responsibility to deal with routine matters to avoid the temptation of aggrieved individuals by-passing their Line Manager, thus undermining their legitimate role.
- 6.10** Where it is inappropriate for the employees Line Manager to deal with the grievance at the first stage, a member of management of equivalent status to that of the employee's line manager may hear the grievance. In some cases, the employee may feel that an informal approach is not possible or appropriate and may opt to proceed immediately to Stage 2.
- 6.11** In the first instance, the employee must define and record the grievance using Part A of the form GP1 and submit it to their Line Manager with any supporting documentation that they wish to be considered.
- 6.12** The Line Manager will arrange a meeting with the employee, who may be accompanied by a trade union/staff association representative or work colleague, McKenzie friend or a person of their choosing. After discussion an adjournment may take place. Dependent on the nature and complexity of the grievance at this point, or at any subsequent stage, the manager may decide to undertake an investigation.
- 6.13** The main points of the discussion and the outcome of the meeting should be recorded on Part A of the form GP1. A copy must be provided to both parties and the HR for their records.



- 6.14** Unless there are exceptional circumstances, Stage 1 of the procedure should be completed within 7 working days of receipt of the grievance by the person hearing the grievance.
- 6.15** If the grievance has been resolved satisfactorily at this stage no further action needs to be taken. If the grievance has not been resolved satisfactorily the employee can proceed to Stage 2 of the process.

## **STAGE TWO**

- 6.16** The employee, or their trade union/staff association-representative, must submit the completed GP1 form, Part A to a more Senior Manager with any supporting documentation that they wish to be considered, within 5 working days of the Stage 1 meeting. The employee must be advised which Senior Manager will deal with the second stage of the procedure.
- 6.17** The Senior Manager assigned to hear Stage 2 of the grievance will arrange to meet with both parties. The employee and Line Manager, who conducted the Stage 1 meeting, shall be advised in writing of the date of the Stage 2 hearing and invited to submit any further relevant documentation which should be copied to all parties at least 5 working days in advance of the Stage 2 meeting. A representative from HR may be present to advise on procedural matters. The employee may be accompanied by their trade union/staff association representative or colleague, McKenzie friend or a person of their choosing.
- 6.18** The meeting will be arranged within 5 working days of receiving the grievance form and take place within a further 10 working days (allowing for the submission of relevant documentation 5 working days before the meeting is due to take place) or as soon as is practicable thereafter.
- 6.19** The decision reached at Stage 2 will be communicated in writing to the employee and their representative, and the manager who dealt with the grievance at Stage 1, as soon as possible following the meeting, but no later than 5 working days after the Stage 2 meeting. The Senior Manager holding the Stage 2 meeting must also complete the first part of Part B of the form GP1 and return this to the employee.
- 6.20** If the grievance has been resolved satisfactorily at this stage no further action needs to be taken.
- 6.21** Employees have the right of appeal to a more Senior Manager/Chief Executive/Clerk against a decision made by their immediate Supervisor or Line Manager (Stage 3). The employee should complete the second part of the form GP1, Part B.

## **STAGE THREE**

- 6.22** If formal resolution has been unsuccessful then an employee may appeal. This will be heard by a designated Senior Manager, who may be the Chief Executive/Clerk who may hear the appeal alone or convene a panel of three senior officers. The appeal body will be able to confirm or modify the decision taken at the formal resolution stage. If a Senior Manager has raised the grievance, it may be appropriate for the appeal to be heard by a body chaired by an independent person, who may be an officer from HR.
- 6.23** The employee must set out the reasons for the appeal in writing within 5 working days of the notification of the decision of the Stage 2 meeting. The employee or their trade union/staff representative must complete Part B of the form GP1 and submit it to the Senior Manager/Chief Executive/Clerk or other appropriate delegated officer.
- 6.24** The Chief Executive/Clerk, nominated Senior Manager or panel should arrange a date for a grievance hearing within 5 working days of receipt of the appeal giving 15 working days' notice of the hearing.
- 6.25** The following persons are required for the hearing meeting:
- i) The employee, who can be accompanied by a trade union/staff association representative, colleague, McKenzie friend or a person of their choosing;
  - ii) The Senior Manager from the Stage 2 meeting, accompanied by the HR representative who provided support at the previous stage;
  - iii) The Line Manager or the Senior Manager that dealt with the grievance at Stage1, as witness.
- 6.26** The individual/panel members hearing the appeal should have no previous direct involvement in the matter, although they may have been aware of its existence.
- 6.27** The decision reached at Stage 3 will be communicated in writing to the employee and their representative as soon as possible, but no later than 5 working days after the appeal hearing. The Chief Executive/Clerk or Senior Manager/Panel Chair should complete the outcome/action section at Part C of the form GP1 and return this to the employee. The decision at the appeal stage is final and binding on all parties.

## **7. GRIEVANCE REMAINS UNRESOLVED**

- 7.1** In exceptional circumstances there is a possibility that an issue which remains, unresolved after the Grievance Procedure has been exhausted could be referred to any established mechanism for conciliation, such as via Manx Industrial Relations Services ("MIRS"), or mediation, or if the grievance is a collective one, as a dispute under the Trade Disputes Act.

**8. GRIEVANCE AGAINST THE CHIEF EXECUTIVE/CLERK**

- 8.1** Where an employee has a grievance against a the Chief Executive/Clerk , it should be put in writing on form GP1 and forwarded to the Chairman
- 8.2** The Chairman may meet with the employee concerned before deciding whether it is a matter which should be investigated.
- 8.3** The panel in this instance will comprise of 3 nominated people.

**9. RELATIONSHIP WITH GRIEVANCE PROCEDURE WITH OTHER PROCEDURES**

- 9.1** In exceptional circumstances, an employee may raise a grievance about a manager during the course of a Disciplinary or Capability Procedure. Depending on the circumstances, it may be appropriate to suspend the Disciplinary or Capability Procedure until the grievance can be considered. Such a delay should only be considered where there is a strong indication that an employee has been mistreated and consideration should be given to bringing in another manager to deal with the grievance. This should only be relevant if there is a direct link between the grievance and other complaint (Disciplinary/Capability). Any records must be passed to the new manager and if appropriate the case should continue under the same timetable.
- 9.2** The Grievance Procedure relates only to an employee or group of employees and their employment position (s) and has no public interest dimension. The Whistleblowing Policy and Guidance provides for employees to be protected when making disclosures in the public interest regarding serious wrongdoing on the part of work colleagues.

**10. WITNESSES**

- 10.1** Where appropriate, witnesses can attend the meeting at Stage 2 and Stage 3 of the Grievance Procedure.

**11. DECISIONS**

- 11.1** It should be remembered that the results of grievance decisions may have an impact on other work areas. It is important therefore; that any solutions proposed are in line with any established policies and procedures and do not set precedents for other employees or employment groups.

## Annex – A – Form GP1 Grievance Record

**ONCHAN DISTRICT COMMISSIONERS**

## FORM GP1 – GRIEVANCE RECORD

STAGE 1		
PART A		
(to be completed by the Employee(s) raising the grievance)		
1.	Full Name of Employee(s) raising Grievance:	
2.	Job Title:	
3.	Department:	
4.	Details of the Grievance:	
5.	Details of any Supporting Documentation to be Submitted:	

6.	Have you discussed this grievance with your Line Manager/or Head of Department	Y	N
	If yes please state:-		
a)	Line Manager's Name:		
b)	Date discussion took place:		
(c)	What the outcome of the discussion was:		
NOW PASS THE FORM TO YOUR LINE MANAGER WITH WHOM YOU DISCUSSED THE GRIEVANCE			

TO BE COMPLETED BY THE LINE MANAGER/HEAD OF DEPARTMENT			
7.	Do you agree that the information given in 1 to 6 above is correct?	Y	N
If no, please state why:			
8.	Please give your comments on the Grievance:		

<b>Now pass the form back to the Employee(s)</b>			
<b>To be completed by the Employee:</b>			
<b>9.</b>	<b>Has the grievance been resolved satisfactorily at Stage 1?</b>	<b>Y</b>	<b>N</b>
<b>10.</b>	<b>Will you be proceeding to Stage 2 of these procedures?</b>	<b>Y</b>	<b>N</b>
<b>11.</b>	<b>Details of why you are proceeding to Stage 2 of these procedures and any supporting information to be considered:</b>		
<b>If answered "Y" to question 10, send the form to the Senior Manager who will be hearing Stage 2)</b>			

<b>STAGE 2</b>		
<b>PART B – The Grievance Hearing:</b>		
<b>To be completed by the Senior Manager hearing the Grievance:</b>		
<b>12.</b>	<b>Name of the Senior Manager Hearing the Grievance</b>	
<b>13.</b>	<b>Date of Grievance Hearing</b>	
<b>14.</b>	<b>Details of the Final Outcome</b>	
<b>Now send the form back to the Employee(s) who raised the Grievance</b>		

<b>To be completed by the Employee:</b>			
<b>15.</b>	<b>Has the Grievance been resolved satisfactorily</b>	<b>Y</b>	<b>N</b>
<b>16.</b>	<b>Will you be submitting a written request for an Appeal Hearing under Stage 3 of these procedures?</b>	<b>Y</b>	<b>N</b>
<b>17.</b>	<b>Details of why you are proceeding to Stage 3 of these procedures and any supporting information to be considered:</b>		
<p>If you answered "Y" to question 16, send the form to the Accounting Officer/Nominated Senior Manager who will be hearing the Appeal.</p>			

<b>STAGE 3</b>		
<b>PART C – Appeal Hearing:</b>		
<b>To be completed by the Chief Executive/Clerk or other delegated Senior Manager or Panel Chairman hearing the appeal.</b>		
<b>18.</b>	<b>Name of Chief Executive/Clerk or Senior Manager or panel chair:</b>	
<b>19.</b>	<b>Date of Appeal Hearing:</b>	
<b>20.</b>	<b>Please provide details of the final outcome and any actions to be taken:</b>	
<p>Now send the form back to the Employee(s) who raised the grievance. A copy should be forwarded to HR for retention on file and should be destroyed 12 months after the conclusion of the process.</p>		



## **ANNEX B – ADDITIONAL GUIDANCE FOR LINE MANAGERS**

### **GRIEVANCE AT WORK**

It is very important that Line Managers are aware of the difference between a grievance issue, a bullying issue, and a harassment issue. Bullying is “repeated” inappropriate behaviour, physical, verbal or otherwise. A grievance is generally a complaint about rights/entitlements although a “one-off” incident of “bullying” can come under this definition as it is not repeated. Harassment is essentially bullying that involves an element of “discrimination” (i.e. a bullying between a man and a woman, an Irish person and a non-national etc.). As such, harassment is potentially a discriminatory act and for that reason it doesn’t need to be “repeated” and a one-off incident is sufficient to consider the matter as “harassment”.

### **RIGHT TO BE ACCOMPANIED**

Employees have a statutory right to be accompanied where they are required or invited by their employer to attend grievance meetings. The chosen companion may be a fellow employee, a trade union representative, or an official employed by a trade union, a McKenzie friend or a person of their choosing. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee. Employees must make a reasonable request to their employer to be accompanied.

When choosing a companion, employees should bear in mind that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interests.

### **WHAT IS A REASONABLE REQUEST?**

Whether a request for a companion is reasonable will depend on the circumstances of the individual case and, ultimately, it is a matter for the hearing officer or panel to decide if disputed. However, an employee should provide enough time for the Line Manager to deal with the companion’s attendance at the meeting.

Employees should also consider how they make their request so that it is clearly understood, for instance by letting the Line Manager know in advance the name of the companion where possible and whether they are a fellow employee or trade union official or representative, or a McKenzie friend or a person of their choosing.

### **APPLYING THE RIGHT**

Management should allow a companion to have a say about the date and time of a hearing. If the companion cannot attend on the proposed date, the law on the right of accompaniment provides that the employee has a right to suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

However, a Line Manager must always act fairly when dealing with a grievance. Where there is a request to postpone a hearing for more than five days because a trade union representative or other companion is not available. It may be fair to allow the postponement if it does not cause, unreasonable delay. The employer should consider the facts and decide when is fair and reasonable in the circumstances<sup>1</sup>.

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<sup>1</sup> Talon Engineering Ltd v Mrs V Smith UKEAT/0236/17/BA





**ONCHAN  
DISTRICT  
COMMISSIONERS**

# Disciplinary Policy & Procedure

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Policy Date: 1<sup>st</sup> August 2023  
Review Date: 1<sup>st</sup> August 2026

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## Policy Review - History:

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
1	2006	Updated – Disciplinary Procedure and Rules (Conduct)
2	2021	Updated and approved by ODC 23/08/21
3	2023	New Policy drafted

## **1. INTRODUCTION**

Onchan District Commissioners ("the Authority") uses this procedure to:

- 1.1 Let Employees know what is expected of them in terms of standards of conduct;
- 1.2 Provide Line Managers with a framework and guidance to improve poor conduct and/or behaviours; and
- 1.3 Support the Employee to achieve the expected standards of conduct and/or behaviours.

This procedure applies to all employees of the Authority. The aim is to ensure consistent and fair treatment for all employees of the Authority. A copy of the Authority's Disciplinary Procedure is available from your Line Manager, the Office of the Chief Executive/Clerk the Authority's website or People HR.

A disciplinary process can be stressful for everyone involved. Different people may respond differently to stressful situations. The Authority understands the prospect of disciplinary action might cause distress and affect your wellbeing.

The Authority will support you throughout and help avoid this happening to you. Please talk to your Line Manager or Exceed Outsourcing the Authority's HR Adviser ("HR") about how the Authority can assist/support your wellbeing.

HR may also be consulted and invited to attend meetings to advise on procedural matters and employment legislation. Line Manager and Employees may seek advice from HR at any stage of the procedure.

Any advice provided by HR will be independent with no bias shown to either the Line Manager or the employee.

Courts and Tribunals may order disclosure of documents, irrespective of whether or not they are confidential. These documents will be redacted where permitted.

## **2. PRINCIPLES**

The Authority will consider informal action where appropriate, to resolve problems.

The Authority will not take disciplinary action against you until the case has been fully investigated.

In relation to formal action you will be advised of the nature of the complaint made against you and you will be given the opportunity to state your case before any decision is made at a disciplinary hearing.

You will be provided where appropriate with written copies of the evidence and relevant witness statements before the disciplinary hearing.



You will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty is dismissal without notice and without payment in lieu of notice.

You have the right to appeal against any disciplinary action.

### **3. YOUR RIGHT TO BE ACCOMPANIED**

You have the right to be accompanied by a companion where a disciplinary hearing could result in:

- a formal warning;
- some other disciplinary action; or
- confirmation of a formal warning or other disciplinary action (for example at an appeal hearing).

You may be accompanied by:

- a work colleague;
- a trade union representative; or
- a McKenzie friend.

You should advise your Line Manager as soon as possible if you would like a companion and who they will be so that the Authority can make arrangements.

If you require any reasonable adjustments, for example a disability, please speak to your Line Manager.

### **4. PROCEDURE**

#### **4.1 Information Resolution:**

Line Managers are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action. Where appropriate, steps will be taken to resolve issues on an informal basis without recourse to the formal procedure. If informal action does not bring about an improvement, or the misconduct is considered too serious to be classed as minor, the formal procedure should be followed.

A record of the Informal action will be kept but will be disregarded for Displinar purposes after 12 months.

#### **4.2 First Stage of Formal Procedure:**

This will normally be either:

- A written, improvement note for unsatisfactory performance if performance does not meet acceptable standards.

The written improvement note will advise you of the following:

- the performance problem;
- the improvement which is required and the timescale;
- any assistance/support which may be given;

- the right of appeal; and
- a record of that note will be kept on the Employee's personnel file.

**OR**

- A first warning for misconduct, if conduct does not meet acceptable standards.

The written first warning will advise you of the following:

- the nature of the misconduct;
- the change in performance/behaviour required;
- the right of appeal;
- that a final warning may be considered if there is no sustained satisfactory improvement or change; and
- a record of the warning will be kept, but will be disregarded for disciplinary purposes after 12 months.

#### **4.3 Final Written Warning**

You may receive a final written warning if:

- the offence is sufficiently serious;
- there is further misconduct not related to a previous matter dealt with under the first stage of the Formal Procedure; and
- there is failure to improve your performance whilst you are still under a prior warning.

The final written warning will confirm the following:

- full details of the complaint;
- the improvement required and the timescale;
- warn that failure to improve may lead to dismissal (or some other action short of dismissal);
- the right of appeal; and
- a record of the warning will be kept, but will be disregarded for disciplinary purposes after 12 months.

#### **4.4 Dismissal or Other Action**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or transfer (as allowed in the contract of employment).

Dismissal decisions can only be made by the Authority's Chief Executive/Clerk

You will be advised of the following in writing:

- the reason(s) for dismissal;
- the date when your employment will end;
- confirmation of all final payments you are owed, including holiday pay and notice pay; and
- the right of appeal.

If an action short of dismissal has been decided on, you will be advised of the following:

- the full details of the complaint;
- warned that dismissal could result if there is no satisfactory improvement;
- the right of appeal; and
- that a copy of the written warning will be kept on your file but it will be disregarded for disciplinary purposes after (12 months) as long as you achieve and maintain satisfactory conduct or performance.

#### **4.5 Gross Misconduct**

The following list provides some but not exhaustive examples of offences which are normally regarded as gross misconduct:

- theft or fraud;
- physical violence;
- bullying;
- deliberate and serious damage to property;
- serious misuse of the Authority's property or name;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- serious insubordination;
- discrimination, harassment or victimisation;
- bringing the Authority into serious disrepute;
- causing loss, damage or injury through serious negligence;
- a serious breach of health and safety rules;
- a serious breach of confidence.

The Authority may consider suspending an employee whilst carrying out a disciplinary investigation. Suspension is when the Authority advises the employee to temporarily stop working. The employee will receive full pay throughout any suspension period.

The Authority understands that being suspended might be stressful and the Authority will:

- only suspend an employee if there is a potential risk to the Employee or other Employees; and
- support the employee throughout the suspension period, always considering your mental health and wellbeing.

#### **5. RIGHT OF APPEAL**

You have the right to appeal a disciplinary decision and you must do so in writing within **5 working days from the date of the decision to your Head of Department, or Senior Manager if applicable.**

The Head of Department decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

## **6. CONFIDENTIALITY**

All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the Authority.

Any breaches, by any party may in themselves constitute a disciplinary offence.

## **7. DATA PROTECTION**

- 7.1 the Authority's privacy notice describes how personal information about an employee is collected and used during and after their working relationship within the Authority and what legal basis there is for gathering and retaining that information in accordance with the Data Protection Act 2018 including the General Data Protection Regulations ("GDPR"). Further details in relation to the information collected and retention periods can be obtained from the Office of the Chief Executive/Clerk.
- 7.2 Information generated and collated during the application of these procedures maybe disclosed (appropriately redacted) as part of a Subject Access Request.
- 7.3 Courts and Tribunals may order disclosure of documents, irrespective of whether or not they are confidential. These will be redacted where permitted.
- 7.4 In order to apply with GDPR legislations, employees who wish their personal data to be shared with their union representative are required to provide written consent to the Chief Executive/Clerk.

## **8. RETENTION OF DOCUMENTATION**

Confidential records of any disciplinary procedures and the outcomes will be kept in accordance with the Authority's Document Retention Policy.

**From:** [REDACTED]

To: [Tomiris@sanion.org.uk](mailto:Tomiris@sanion.org.uk), [enquiries@rtc.gov.mt](mailto:enquiries@rtc.gov.mt), [commissioners@policemany.gov.mt](mailto:commissioners@policemany.gov.mt), [info@policemany.gov.mt](mailto:info@policemany.gov.mt), [rtc@rtc.org.mt](mailto:rtc@rtc.org.mt), [Patrick.Commissioners@policemany.net](mailto:Patrick.Commissioners@policemany.net), [Admin.sadmir@doughan.org](mailto:Admin.sadmir@doughan.org), [ballaugh.Commissioners@ballaugh.ie](mailto:ballaugh.Commissioners@ballaugh.ie), [ballaugh@bcr@gmail.com](mailto:ballaugh@bcr@gmail.com), [clerk@michael.gov.mt](mailto:clerk@michael.gov.mt), [jane-smalown.com@mymail.com](mailto:jane-smalown.com@mymail.com), [admin@maley.commissioners.slm](mailto:admin@maley.commissioners.slm), [clerk@turbo.punish.com](mailto:clerk@turbo.punish.com), [gccl@mam.net](mailto:gccl@mam.net), [admin.sadmir@earthlink.net](mailto:admin.sadmir@earthlink.net), [enquiries@douglas.gov.mt](mailto:enquiries@douglas.gov.mt), [Castletown.Clerk@clerk@castletown.gov.mt](mailto:Castletown.Clerk@clerk@castletown.gov.mt), [Braden@braden.com](mailto:Braden@braden.com), [Bradencommissioners@mamx.net](mailto:Bradencommissioners@mamx.net), [braddan@braddan.mt](mailto:braddan@braddan.mt), [Andreas.Clerk@clerk@arobus.gov.mt](mailto:Andreas.Clerk@clerk@arobus.gov.mt), [Clerk@arobus.gov.mt](mailto:Clerk@arobus.gov.mt)

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# Civic Service

*The Chairman, Mr J H Teare and Members of Lezayre Parish  
Commissioners cordially invite you to the*



# *Annual Civic Service*

*To be held at*

*St Stephen's Church, Sulby,  
Lezayre*

*On*

*Sunday 10<sup>th</sup> September 2023*

*at 11am*

*Chains of office may be worn.*

*Refreshments will be served after the Service in the Church.*

RSVP to the Clerk, Mrs L Smith

Lezayre Parish Commissioners, Sulby Community Hall

Clenagh Road, Sulby, Lezayre.

Tel 890183 email [lezayrecom@manx.net](mailto:lezayrecom@manx.net)

# MEMORANDUM

<b>To:</b>	<b>ONCHAN DISTRICT COMMISSIONERS</b>
<b>From:</b>	<b>HOUSING MANAGER</b>
<b>Ref:</b>	<b>HOUSING ALLOCATION – UPDATE</b>
<b>Date:</b>	<b>3<sup>rd</sup> August 2023</b>

Dear Commissioners

For Member's information, 4 allocations have been undertaken during the first quarter period 3<sup>rd</sup> April 2023 to 30<sup>th</sup> June 2023. (2 Sheltered Housing, 2 General Housing).

Please note that these allocations have been undertaken with the Lead Member for Housing in line with the Public Sector Housing (General Needs) (Allocation) Policy 2019 and the Public Sector Housing (Older Persons) (Allocation) Policy 2019.

<b>Handover Date</b>	<b>Address</b>	<b>Type</b>	<b>HA Reference</b>
<b><i>Sheltered Housing Complexes</i></b>			
14/05/23	E3/28 SSAFA	1 Bed, 2 Person, First Floor (allocated off ODC list)	
21/05/23	E2/36	1 Bed, 2 Person, First Floor	
<b><i>General Housing</i></b>			
23/04/23	11/39A	2 Bed bungalow	
21/05/23	13/39	2 Bed House	



A.S. Gale (Mrs)  
Housing Manager