

**POLICY STATEMENT
DISCIPLINARY PROCEDURE**

1. SCOPE

- 1.1 The procedure follows the guidelines of the ACAS Code of Practice.
- 1.2 The procedure applies to all employees of the Parish Council.
- 1.3. The disciplinary procedure helps and encourages employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:
- i. Fulfil the duties specified in their contract of employment.
 - ii. Maintain high standards of integrity and conduct.
 - iii. Protect the Parish Council's image and reputation with the public.
- 1.4. The policy indicates the disciplinary procedure that will be followed in the event of misconduct.
- Examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings:
- i. Unsatisfactory time keeping
 - ii. Absenteeism, including any absence from work during a designated working day without prior authorisation or instruction.
 - iii. Failure to comply with rules and regulations applicable to job requirements.
 - iv. Failure by an employee to perform the duties and responsibilities of the post to the standard expected by the council.
 - v. Insubordination.
 - vi. Any other conduct defined by the council as amounting to misconduct.
- 1.5. Verbal Warnings will normally be issued by the employees' line manager.
- 1.6. Disciplinary proceedings raised under the council's standard disciplinary procedure will be dealt with by the Council's Staffing Committee. Any investigations and any meeting will be conducted by that committee.
- 1.7. Written Warnings will be given by the Chairman of the Staffing Committee
- 1.8. Any disciplinary appeal meeting will be conducted by three members of the parish council who do not sit on the Staffing Committee.

2. VERBAL WARNINGS

- 2.1. For the first instances of minor misconduct the employee's line manager may speak to the employee informally before implementing a formal disciplinary procedure. However there is no obligation for the line manager to do this.
- 2.2. Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence.
- 2.3. If the employee is given a Verbal Warning, the employee will be warned of the likely consequences of any further disciplinary offences or a failure to improve their conduct to the satisfaction of the council.
- 2.4. A Verbal Warning will remain in force for 6 months.
- 2.5. A note confirming the Verbal Warning will be placed on the employee's personnel file, and a copy will be provided to the employee.
- 2.6. The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

3. FIRST WRITTEN WARNING

- 3.1. In the case of a serious offence or repetition of an earlier minor offence the employee will be given a First Written Warning. A First Written Warning will be issued by the Chairman of the Staffing Committee and will set out:
 - i. the nature of the offence and the improvements required (if appropriate) and over what period.
 - ii. the likely consequences of any further offence or failure by the employee to improve their conduct to an acceptable standard.
 - iii. that further offences will result in more serious disciplinary action.
 - iv. the employee's right of appeal.
- 3.2. A first Written Warning will remain in force for 6 months.
- 3.3. The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

4. FINAL WRITTEN WARNING

- 4.1. If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning.

- 4.2. A Final Written Warning will be issued by the Chairman of the Staffing Committee and will set out:
 - i. the nature of the offence and the improvement required (if appropriate) and over what period.
 - ii. the likely consequences of any further offence or a failure by the employee to improve their conduct to an acceptable standard.
 - iii. that further offences will result in more serious disciplinary action up to and including dismissal.
 - iv. the employees right of appeal.
- 4.3. Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct but is sufficiently serious enough to warrant only one written warning.
- 4.4. A Final Written Warning will remain in force for 12 months.

5. STANDARD DISCIPLINARY PROCEDURE

- 5.1. In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee the following formal disciplinary procedure will be followed.
- 5.2. The council will investigate the alleged misconduct and will establish the facts surrounding the allegation as necessary, taking into account the statements of any available witnesses.
- 5.3. The council will set out in writing the alleged conduct or other circumstances which lead the council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter.
- 5.4. The employee will be provided with a reasonable opportunity to consider their response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- 5.5. Disciplinary meetings will be convened within 5 working days of the council sending the employee the written statement referred to in 5.3. above.

- 5.6. The employee may be accompanied to any disciplinary meeting by a companion. The council will be represented by the employee's line manager and Chairman of the Staffing Committee.
- 5.7. The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. The companion does not however have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the council from explaining their case.
- 5.8. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees companion should they wish to be accompanied to the meeting pursuant to 5.6. above, the employee may ask to postpone the meeting by up to 5 working days.
- 5.9. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the employee's line manager and Chairman of the Staffing Committee to consider their decision.
- 5.10. After the meeting the council will inform the employee of their decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- 5.11. If the employee wishes to appeal against the decision they must notify the council in writing within 5 days of receiving written notice of the decision.
- 5.12. If the employee notifies the council that they wish to appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Staffing Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting.
- 5.12. The employee has the right to be accompanied to a disciplinary appeal meeting by a companion in pursuant to 5.7 above.
- 5.13. A disciplinary appeal meeting will be convened within 7 working days of the council receiving notification that the employee wishes to appeal pursuant to 5.12 above. If the meeting date is inconvenient for the employee or the employee's companion they may ask to postpone the meeting by up to 5 working days.
 - i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the council. The original disciplinary penalty will be reviewed.
 - ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.

- iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
- iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Staffing Committee time to consider its decision.

5.14. After the disciplinary appeal meeting the council will inform the employee of its final decision within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

6. DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

6.1. Conduct that will normally be regarded by the council as Gross Misconduct. Examples only:

- i. Refusal or repeated failure by an employee to carry out their duties.
- ii. Falsification of documents or information (including expense claims).
- iii. Unauthorised disclosure of confidential information.
- iv. Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the council.
- v. Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the council.
- vi. Serious or repeated harassment (including sexual and racial harassment)
- vii. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
- viii. Wilful damage to council property.
- ix. Theft, unauthorised use of possession of council property or theft of the property of a fellow employee.
- x. Conduct bringing the council into disrepute.
- xi. Any other conduct that from time to time is defined by the council as amounting to gross misconduct.

6.2. If an employee is accused of any Gross Misconduct they may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such period of suspension will not normally exceed 10 working days unless there are exceptional circumstances.

6.3. The council will investigate the matter and will establish the facts surrounding the offence as necessary, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed.

6.4. If the council believes the employee is guilty of gross misconduct, the employee's employment will be terminated summarily without notice or pay in lieu of notice.

- 6.5. The council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations they may have following the termination of employment. The statement will also explain the employees right to appeal against the council's decision.
- 6.6. If the employee wishes to appeal against the council decision they must notify the council in writing within 5 working days of receiving notice of the council's decision pursuant of 6.5 above.
- 6.7. If the employee appeals the council will invite the employee to attend a disciplinary appeal meeting before the Council's Staffing Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting with a companion in pursuant to 5.7 above.
- 6.8. Any disciplinary appeal meeting will be convened within 7 working days of the council receiving notice from the employee that they wish to appeal pursuant to 6.6 above. If the date of the meeting is inconvenient for the employee or the companion the employee may ask to postpone the meeting by up to 5 working days.
 - i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the council. The original disciplinary penalty will be reviewed.
 - ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
 - iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
 - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Staffing Committee time to consider is decision.
- 6.9. After the disciplinary appeal meeting the employee will be informed of the council's final decision with 5 working days. The meeting may be reconvened for this purpose. The council's decision will be confirmed to the employee in writing.