

11th October 2016

BUXTED PARISH COUNCIL

DISCIPLINARY PROCEDURE

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. It is the Council's responsibility to ensure that disciplinary practices and procedures are effective, fair, well understood and consistently applied. Appropriate procedures are an aid to good management and should not be viewed primarily as a means of imposing a disciplinary penalty or necessarily leading to dismissal. This procedure applies to all employees unless otherwise stated in their terms and conditions of employment.

Principles

No disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing conducted by the Full Council/Personnel Committee.

At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

At all stages the employee will have the right to be accompanied by a work colleague or an accredited Trade Union representative. Employees under the age of 18 years have the right to be accompanied by a parent or guardian. The Council will write to the parent or guardian inviting attendance at any disciplinary hearing unless the employee requests otherwise.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the action will be dismissal without notice or payment in lieu of notice, i.e. summary dismissal. (See section 3 – stage 4).

An employee will have the right of appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

Records will be kept of investigations, interviews and hearings.

An employee will be given five working days notice to attend a disciplinary hearing.

Where there are reasonable grounds to suspect an employee has committed an offence of gross misconduct, or where it is appropriate in order to facilitate further investigations, the employee will normally be suspended, on basic pay, until the disciplinary hearing. Suspension is not in itself disciplinary action, the decision to suspend will be confirmed in writing and the period of suspension will be kept as brief as possible.

The Procedure

A minor breach of discipline will be dealt with informally, but where the matter is more serious the following procedure will be used:

Stage 1 – Verbal Warning

If an employee's attendance, work performance or conduct does not meet acceptable standards the employee will normally be given a verbal warning. He or she will be advised of the reason for the warning and that the warning constitutes the first stage of the disciplinary procedure. The employee will also be advised of the right of appeal as set out in the appeals procedure (section 7).

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A record of the verbal warning will be kept on the employee's personal file but will be disregarded after six months, subject to satisfactory attendance, work performance or conduct. The employee will also be advised that action under stage 2 will be considered if there is no satisfactory improvement.

Stage 2 – First Written Warning

If the offence is a serious one, or there is a failure to improve and the employee's work performance, conduct or attendance is still unsatisfactory, a first written warning will be issued. This will give details of the complaint, the improvement required and the timescale for improvement. It will advise that action under stage 3 will be considered if there is no satisfactory improvement. It will also advise of the employee's right of appeal as set out in the appeals procedure (section 7).

A copy of this first written warning will be kept on the employee's personal file, but will be disregarded after twelve months subject to satisfactory attendance, work performance or conduct.

Stage 3 – Final Written Warning

If the employee's attendance, work performance or conduct is still unsatisfactory or if the misconduct is considered to be sufficiently serious, but not serious enough to justify dismissal, a final written warning will be given. This will give details of the complaint and advise that dismissal will result if there is a failure to improve and the employee's work performance, conduct or attendance is still unsatisfactory. It will also advise the employee of the right of appeal as set out in the appeals procedure (section 7). A copy of the final written warning will be kept on the employee's personal file for two years, but will be disregarded after two years subject to satisfactory attendance, work performance or conduct.

Stage 4 – Dismissal

If the employee's attendance, work performance or conduct remains unsatisfactory dismissal will result. Only the Council can take the decision to dismiss. The employee will be provided with written reasons for the dismissal within five working days. Only in exceptional circumstances, i.e. gross misconduct, will an employee be dismissed for a first breach of discipline.

Gross Misconduct

The following list provides examples of offences which may be regarded as gross misconduct.

- ◆ Theft, fraud, deliberate falsification of records or minutes.
- ◆ Bringing the Council's name into disrepute.
- ◆ Unauthorised possession or removal of the Council's goods or equipment.
- ◆ Unauthorised use, or misuse, of the Council's computer hardware or software or internet access, e.g. using and/or downloading offensive material.
- ◆ Violent or insulting behaviour including the use of insulting or abusive language.
- ◆ Wilful damage to or serious misuse of Council property.
- ◆ Refusal to obey a lawful and reasonable management instruction, or a serious act of insubordination.
- ◆ Incapability through alcohol or solvents or being in possession of or under the influence of illegal drugs.
- ◆ Gross neglect of duties to an extent likely to cause significant loss to the Council or danger to other employees or members of the public.
- ◆ Serious breaches of confidentiality.
- ◆ Serious infringement of health and safety rules.

Disciplinary hearings

Disciplinary hearings are conducted by members of the Personnel Sub-Committee/Full Council. At the conclusion of a disciplinary hearing, and if the Committee is satisfied that gross misconduct has

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occurred, then the Chairperson will prepare a report. The Council would then decide whether the circumstances warranted dismissal or an alternative form of discipline.

Suspension

In circumstances when the employee's misconduct or behaviour is viewed as serious, the employee is liable to be suspended from work, on basic pay. This suspension should normally be for no more than ten working days, to enable the Council to fully investigate the alleged offence.

Whilst the suspension may be for a period exceeding ten working days every effort will be made to restrict the suspension to the shortest time possible in the circumstances.

Appeals

An employee who wishes to appeal against disciplinary action should lodge a letter of appeal with the Chairman or Chair of the Personnel Sub-Committee within ten working days, stating precisely the grounds of the appeal. Any disciplinary action will stand until the hearing decides otherwise.

The appeal will be heard within ten working days and should be heard by the nominated Appeals Committee, and their decision will be final. There will be only one right of appeal. The outcome of the Appeal Hearing will be confirmed in writing within five working days. The employee does of course have the right of appeal to an independent tribunal in accordance with the ACAS Code of Practice and Guidance.