

Staveley & Copgrove Parish Council

Disciplinary Procedure **Last Reviewed: August 2021** **Next Review: August 2022**

1. Purpose and Scope

- 1.1. The disciplinary procedure provides for steps to be taken in the event that an employee fails to meet the Parish Council's standards of attendance, behaviour and performance or for any breach of any of the terms and conditions of their employment.

2. Principles

- 2.1. The disciplinary procedure is designed to be fair to all and to ensure that employees have a chance to put their side of the case where a disciplinary matter arises.
- 2.2. Any breach of any of the terms of employment, or other serious breach of contract, misconduct, inefficiency or neglect by an employee while carrying out your duties may be treated as a disciplinary matter.
- 2.3. Conduct outside working hours which, in the opinion of the Parish Council, affects the performance of an employee's duties or may bring the Parish Council into disrepute or adversely affect it may also be considered a reason for implementing the disciplinary procedure.

3. Informal Procedure

- 3.1. If an employee's work or conduct is considered unsatisfactory, an informal meeting may be arranged to explain any shortcomings and suggest ways of correcting them.
- 3.2. If any conduct or breach is considered sufficiently serious, the Parish Council in its absolute discretion may implement the formal procedure without reference to the informal procedure.
- 3.3. If the informal procedure is adopted, the Parish Council may write to an employee confirming the nature of the problem, agree objectives to remedy it and the timescale within which any breaches must be rectified. The informal warnings may be kept on the employee file for a period of six months and any further breaches may lead to the formal procedure being implemented.

- 3.4. The formal procedure will be initiated by the Parish Council if the informal procedure fails to result in the desired improvement or in the case of any matter that is considered sufficiently serious.

4. Formal Procedure

Investigation

- 4.1. If there is a concern about an employee's conduct, the Parish Council will investigate and for this purpose may, at its discretion, suspend the employee from work. In such a case the employee will be paid their basic remuneration. This suspension may last as long as any investigation and disciplinary process is continuing.
- 4.2. In its absolute discretion, the Parish Council may:
- 4.2.1. Require the employee to attend investigatory hearings for the purpose of being questioned about the allegation(s). Refusal to answer appropriate questions may in itself be regarded as a disciplinary matter.
 - 4.2.2. Take witness statements from other individuals that were involved in relation to the allegation(s) or who may assist.
 - 4.2.3. Take time to collate documentary or other evidence that may be relevant to the allegation(s).
- 4.3. The Parish Council will ensure that the investigation is carried out as quickly as possible but there are no time limits relating to the length of the investigation.
- 4.4. The above procedure is not contractual and may be amended by the Parish Council at its absolute discretion.
- 4.5. If, following any investigation, the Parish Council considers that an employee may have committed a disciplinary offence, the employee will be informed in writing of the allegation against them and they will be requested to attend a disciplinary hearing.

Right to be Accompanied at a Disciplinary Hearing

- 4.6. An employee has the right to be accompanied to a disciplinary hearing where they have been required or invited by the Parish Council to attend a disciplinary hearing and when they reasonably request to be accompanied to the hearing.
- 4.7. If an employee makes such a request, they will be allowed to have a single companion at the hearing who is either a work colleague, or a

trade union official so long as they have been reasonably certified in writing by their union as having experience of training in acting as a companion at disciplinary hearings.

- 4.8. A companion may be permitted to address the disciplinary panel but will not be permitted to answer questions on behalf of an employee.
- 4.9. If a companion is not available at the time that the Parish Council has proposed for a disciplinary hearing, the employee may propose an alternative time for the hearing provided it is a reasonable time and is no further than five working days after the day that the Parish Council had proposed for the disciplinary hearing.

Oral Warning

- 4.10. In the case of minor offences, an employee will be given a formal oral warning. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained to the employee. Details of the oral warning will be placed on their personnel file but will be disregarded after a period of six months.

Written Warning

- 4.11. In the case of more serious offences or a repetition of earlier minor offences, an employee will be given a written warning and will be informed of the likely consequences of further offences. A copy of the written warning will be placed on their personnel file but will be disregarded after a period of twelve months.

Final Written Warning

- 4.12. In the case of a further repetition of earlier offences or in the event that an employee fails to improve or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, they will be given a final written warning and will be informed that any recurrence may lead to their employment being terminated.
- 4.13. Depending on the seriousness of the matter and all the circumstances, any of the above stages may be omitted.
- 4.14. In the case of gross misconduct and/or if the appropriate stages of the formal procedure have been exhausted, employment will normally be terminated.

Appeal

- 4.15. If an employee does not agree with the result of any disciplinary decision, they will have the right of appeal provided it is made in writing

to the Chairman of the Council within three working days of the employee being notified. The employee must set out in full the grounds on which they are appealing the decision, stating whether it is because they disagree with the findings of misconduct or the sanction that was imposed.

- 4.16. On receipt of notice of an appeal, the Parish Council shall be entitled to seek such other submissions, orally or in writing, from the employee or such other persons as appropriate.
- 4.17. An employee has the right to a hearing which will be by way of a review of the decision and not a full re-hearing. The employee has the right to have a companion present at the appeal hearing as with the disciplinary hearing.
- 4.18. Where an employee has been dismissed, the date of the dismissal will stand if the appeal is rejected and the date of the termination of the employee's employment will not be the date that the appeal was rejected.

5. Gross Misconduct

- 5.1. If the Parish Council reasonably forms the view that an employee is guilty of gross misconduct, they may be summarily dismissed.
- 5.2. The following is a non-exhaustive list of examples of offences which the Parish Council may regard as amounting to gross misconduct:
 - 5.2.1. Accepting any bribes or gifts which could be construed as bribes.
 - 5.2.2. Attendance at work while intoxicated or influenced by drugs that have not been prescribed to an employee by a medical practitioner.
 - 5.2.3. Being abusive or rude to clients or customers.
 - 5.2.4. Breach of rules and regulations relating to health & safety matters that may constitute a danger to the health & safety of an employee, fellow workers or anyone visiting the premises or properties of the Parish Council.
 - 5.2.5. Bringing the Parish Council into disrepute by conduct whether at work or outside.
 - 5.2.6. Conviction for any offence that is incompatible with an employee's employment, which may place the Parish Council in disrepute or which causes the Parish Council to lose trust and

confidence in that employee.

- 5.2.7. Damaging the Parish Council's property or the property of an employee with deliberate intent.
- 5.2.8. Discrimination against, or harassment of, any fellow worker or client or customer on the grounds of sex, race, sexual orientation or disability.
- 5.2.9. Dishonesty at work whether or not it will cause loss to the Parish Council.
- 5.2.10. Dishonesty outside work that may bring the Parish Council into disrepute or is incompatible with an employee's employment.
- 5.2.11. Failing to adhere to any statutory or regulatory requirements where such failure is willful or amounts to gross negligence or incapability.
- 5.2.12. Failing to correctly fill out an application or any documents relating to employment which affect an employee's qualifications for a job, their ability to carry out the job, or may affect the Parish Council's trust and confidence in the employee.
- 5.2.13. Falsification of any of the Parish Council's documents whether or not they give the employee a pecuniary advantage or whether it is likely to cause loss to the Parish Council.
- 5.2.14. Insubordination to superiors which is incompatible with an employee's position. Insubordination will be regarded as incompatible if it occurs before fellow workers.
- 5.2.15. Misuse of any Parish Council vehicle. It will be a dismissible offence if an employee drives a Parish Council vehicle while intoxicated. It may be a dismissible offence if damage is caused to a Parish Council vehicle by reckless or negligent conduct on the part of an employee.
- 5.2.16. Negligent behaviour which may be gross or which may affect the Parish Council's trust and confidence in an employee's ability to carry out their job.
- 5.2.17. Misuse of any confidential information belonging to the Parish Council or of information which the Parish Council considers may cause the Parish Council harm or bring it into disrepute.
- 5.2.18. Violent behaviour towards fellow workers or clients or customers. This will include physical and verbal behaviour or

conduct or words that may be regarded as intimidating.

- 5.2.19. Theft or reasonable suspicion of theft or other criminal offence.
- 5.2.20. Absence from work that is unauthorised.
- 5.2.21. Receiving a custodial sentence regardless of the length of that sentence.
- 5.2.22. Inappropriate use of the Parish Council's telephones and/or e-mail system and/or the internet.