

# CODDINGTON PARISH COUNCIL

## DISCIPLINARY POLICY

This policy sets out the disciplinary procedure that will normally be followed in the event of misconduct by any employee of the Council. The following list shows examples that may be regarded as misconduct leading to disciplinary proceedings.

- Unsatisfactory time keeping.
  - Absence from work without prior authorisation.
  - Failure to comply with rules and instructions applicable to job requirements.
  - Failure to perform duties and responsibilities to the standard expected by the Council.
  - Misuse of the Council's resources and facilities.
  - Breach of health and safety regulations.
  - Inappropriate behaviour.
1. For first instances of minor misconduct the Council may instruct the Chairman or the Clerk to speak to the employee informally, before implementing a formal disciplinary procedure. Should the Council resolve that a formal disciplinary action is required, the procedure will be as follows:

2. **Verbal Warning**

Verbal Warnings are issued for most first instances of general misconduct depending on the seriousness of the offence. If the employee is given a Verbal Warning he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Council. A note confirming the Verbal Warning will be placed on the employee's personal file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for six months. The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

3. **First Written Warning**

In the case of a serious offence or repetition of an earlier minor offence, the employee will normally be given a First Written Warning. A First Written Warning will be issued by the Chairman/Clerk and will set out:

- The nature of the offence and the improvement required (if appropriate) and over what period.
- The likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.
- That further offences will result in more serious disciplinary action.
- The employee's right of appeal.

A first Written Warning will normally remain in force for six months.

The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

#### **4. Final Written Warning**

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. A Final Written Warning will be issued by the Chairman/ Clerk and will set out:

- The nature of the offence and the improvement required (if appropriate) and over what period.
- The likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.
- That further offences will result in more serious disciplinary action up to and including dismissal.
- The employee's right of appeal.

Final Written Warnings may be issued as the first step, in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A Final Written Warning will normally remain in force for 12 months.

#### **5. Further Disciplinary Procedures**

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 consider dismissal, demotion or suspension without pay of the employee, the following formal disciplinary procedure will apply.

5.2 The alleged misconduct will be investigated by one or two Members of the Council to establish the facts surrounding the complaint, taking into account the statements of any available witnesses. Their report will be presented to the Council who will appoint three other Members to sit on a Disciplinary Hearing Panel. One member of the Panel will be appointed as Chairman. At the same time, three Members of the Council will be appointed to be available for an Appeal Panel if required, and will take no further part in the disciplinary process.

5.3 The Council will set out in writing the allegations, and will send a copy of the statement to the employee, inviting him or her to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting, usually within 10 working days. The employee must take all reasonable steps to attend the meeting. Employees may be accompanied by a colleague, or represented by a trade union representative at any investigatory meeting.

5.4 The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Panel time to consider its decision. After the meeting, the Panel will report its recommendations to the full Council who will inform the employee of the decision and any applicable sanction within five working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

## **6. Right of Appeal**

6.1 If the employee wishes to appeal against the decision, he or she must notify the Council in writing within five working days of receiving written notice of the decision.

6.2 If the employee notifies the Council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before a panel of three different members of the Council who have previously taken no part in the decision making process. If insufficient eligible councillors are available, an independent external panel may be appointed. The employee must take all reasonable steps to attend the appeal meeting, and has the right to be accompanied as before.

6.3 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. The disciplinary appeal sanction originally imposed cannot be increased upon appeal. 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. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Appeal Panel time to consider its decision and submit its recommendations to the full Council.

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

## **7. Dismissal Procedure for use in Gross Misconduct**

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

The following are examples of conduct that will normally be regarded by the Council as Gross Misconduct.

- Refusal or repeated failure by an employee to carry out his or her duties.
- Falsification of documents or information, including expense claims.
- Unauthorised disclosure of confidential information.
- Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- Bullying, insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Council.
- Serious or repeated harassment (including sexual and racial harassment).
- Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
- Wilful damage to council property.
- Theft, unauthorised use or possession of council property or theft of the property of a fellow employee.
- Conduct bringing the Council into disrepute.

7.2 The council will investigate the matter and will establish the facts surrounding the complaint, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed by an appointed panel of three Councillors who will report to full Council. If the Council believes the employee is guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.

7.3 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 he or she may have following the termination of employment. This statement will also explain the employee's right to appeal against the Council's decision.

7.4 If the employee wishes to appeal against the Council's decision he or she must notify the Council in writing within five working days of receiving notice of the Council's decision. The employee will be invited to attend a disciplinary appeal meeting before an appointed panel of three Council Members not previously involved in the decision, or an independent external panel. Any disciplinary appeal meeting will normally be convened within ten working days of the Council receiving notice from the employee that he or she wishes to appeal. The appeal decision will be final.

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