

IRON ACTON PARISH COUNCIL DISCIPLINARY PROCEDURES

1. INTRODUCTION

- a. As part of its contract of employment with them, the Council expects employees, inter alia, to:
 - i. fulfil the duties specified in their contract of employment
 - ii. act honestly and avoid suspicion of dishonesty
 - iii. maintain high standards of integrity and conduct to protect the Council's reputation and image with the public

These disciplinary procedures are designed to provide a fair and transparent process for dealing with employees who fail to achieve and maintain acceptable standards of conduct and job performance.

- b. These procedures detail the disciplinary process that will normally be followed in the event of misconduct. The following are some examples of conduct that will be regarded as misconduct, potentially leading to disciplinary proceedings:
 - i. unsatisfactory time keeping
 - ii. absenteeism, including any absence from work during a working day without prior authorisation or instruction
 - iii. failure to comply with rules and regulations applicable to job requirements
 - iv. insubordination
 - v. other conduct which is defined by the council as constituting misconduct
- c. For first instances of minor misconduct the Chairman of the Parish Council may speak to the employee informally instead of initiating formal disciplinary procedures. This is a matter for the Chairman's discretion.

2. SCOPE

- a. These procedures apply to all employees of Iron Acton Parish Council.
- b. Any disciplinary procedures will be initiated by the Chairman of the Council or, exceptionally, by resolution of the Council (in closed session). In the latter case the Council will nominate a councillor to undertake the procedures on its behalf.

3. ORAL WARNINGS

- a. Oral Warnings constitute the first stage of the disciplinary process and are designed for dealing with initial instances of general misconduct, depending on the seriousness of offences. If an employee is given an Oral Warning she or he will be appraised of the likely consequences of any further offences or a failure to improve her or his conduct to the satisfaction of the Council. A note setting out details and the date of the Oral Warning will be placed on the employee's personnel file and a copy will be provided to the employee. An Oral Warning will normally remain in force for 6 months.

-
- b. Where the Chairman regards the alleged offence as sufficiently serious, the Oral Warning stage of the procedure may be omitted and a Written Warning issued instead.

4. FIRST WRITTEN WARNING

- a. In the case of a serious offence or repetition of an earlier minor offence (for which an Oral Warning was issued and is still in force) the employee will normally be given a First Written Warning. This will be issued by the Chairman and will set out:
 - i. the nature of the offence and the improvement required (is appropriate) and over what period
 - ii. the likely consequences of any further offence or failure by the employee to improve her/his conduct to an acceptable standard
 - iii. the likelihood of more serious disciplinary action following any further offences
 - iv. the employee's right of appeal against the First Written Warning
- b. A copy of the First Written Warning will be placed on the employee's personnel file and normally remain in force for 6 months.
- c. The First Written Warning stage of the procedure may be omitted if the Chairman considers the offence to be of a sufficiently serious nature.

5. FINAL WRITTEN WARNING

- a. 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 of the Council and will set out the information at 4.a.i. to 4.a.iv. above, including the employee's right of appeal against the Final Written Warning.
- b. Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious in the view of the Chairman of the Council to warrant omitting Oral and First Written Warnings.
- c. A copy of the Final Written Warning will be placed on the employee's personnel file and will normally remain in force for 12 months.

6. COUNCIL DISCIPLINARY PROCEDURE

- a. In the case of further misconduct within the time period specified in a Final Written Warning, or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate dismissal, demotion or suspension (without pay) of its employee, the following formal disciplinary procedure will apply.
- b. The Chairman of the Council will investigate the misconduct on behalf of the Council and establish the facts of the behaviour, taking into account the statements of any available witnesses and any extant warnings issued previously.
- c. The Chairman will provide a written report to the Council setting out the facts of the conduct and any related circumstances that are relevant, and setting out any disciplinary action, including potential dismissal, that the Council might contemplate taking against the employee. A copy of the report will be sent to the employee inviting her/him to

attend a disciplinary meeting to discuss the report. The employee will be provided with a reasonable opportunity to consider her/his response to the information before attending the meeting. Failure to take reasonable steps to attend the meeting will constitute misconduct by the employee.

- d. A disciplinary meeting will normally be convened within 10 working days of the Council sending the employee the written report referred to in 6.c. above. The employee may be accompanied to any disciplinary meeting by a fellow employee, a representative of a trade union, or an employee of another local council. The Council will be represented by the Chairman, Vice Chairman and one other councillor.
- e. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employee's companion) the employee may ask to postpone the meeting by up to 5 working days.
- f. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council time to consider its decision.
- g. After the meeting the Chairman will inform the employee of the decision of the Council and any sanction within 5 working days of the meeting or, if the matter needs to be taken to the full Council, within 5 working days of the next Council meeting. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing, and a copy of the decision will be placed on the employees personnel file.
- h. If the employee chooses to appeal against the decision she/he must notify the Council in writing within 5 working days of receiving written notice of the decision.
- i. If the employee so notifies the Council, she/he will be invited to attend a disciplinary appeal meeting before the full Council in closed session. The employee must take all reasonable steps to attend the disciplinary appeal meeting. The employee has the right to be accompanied, as set out in 6.d. above.
- j. A disciplinary appeal meeting will normally be held within 7 working days (or as soon as possible thereafter consistent with the notice requirements for summoning councillors) of the Council receiving notification of the employee's wish to appeal. If the meeting date is inconvenient for the employee or the employee's companion she/he may ask to postpone the meeting by up to 5 working days.
- k. Any new evidence the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary decision will be reviewed and may be confirmed or changed, but the sanction originally imposed will not be increased following appeal.
- l. 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 is successful, the employee will be reinstated and continuity of employment will be preserved.
- m. The disciplinary appeal meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council time to consider its decision.

-
- n. Following the conclusion of the disciplinary appeal meeting the Council will inform the employee of its final decision in writing within 5 working days.

7. COUNCIL DISMISSAL PROCEDURE (IN CASES OF GROSS MISCONDUCT)

- a. The Council considers the following (the list is not exhaustive) to be examples of potential gross misconduct:
 - i. refusal or repeated failure by an employee to carry out her/his 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 or bullying (including sexual or racial harassment)
 - vii. incapacity during working hours due to the influence of alcohol, un-prescribed drugs or any other substance
 - viii. wilful damage to Council property
 - ix. theft, burglary, or unauthorised use or possession of Council property
 - x. conduct bringing the Council into disrepute
 - xi. other conduct defined by the Council as amounting to gross misconduct
- b. If an employee of the Council is accused of gross misconduct she/he may be suspended from work on full pay pending the outcome of the investigation into the alleged offence(s).
- c. In the event of possible gross misconduct by an employee of the Council, the Chairman will investigate the matter on behalf of the Council to establish the facts, taking into account the statements of any available witnesses and any extant warnings issued previously.
- d. If the Council believes the employee is guilty of gross misconduct, her/his employment will be terminated summarily without notice or pay in lieu of notice.
- e. The Chairman will send the employee a statement setting out the allegations of gross misconduct that led to the employee's dismissal and the Council's basis for considering that the employee is guilty of gross misconduct. The date on which the employment terminated will be confirmed to the employee who may be reminded of any continuing obligations she/he may have following the termination of employment. The statement will also explain the employee's right to appeal against the Council's decision.
- f. If the employee chooses to appeal against the Council's decision she/he must notify the Council in writing within 5 working days of receiving notice of the decision pursuant to 7.e. above.
- g. If the employee appeals, the Council will invite the employee to attend a dismissal appeal meeting before the full Council, in closed session. The employee must take all reasonable steps to attend the meeting. The Council will inform the employee in writing

of her/his right to be accompanied to the meeting by a fellow employee, by a representative of a trade union, or by an employee of another local council.

- h. A dismissal appeal meeting will normally be held within 7 working days (or as soon as possible thereafter consistent with the notice requirements for summoning councillors) of the Council receiving notification of the employee's wish to appeal. If the meeting date is inconvenient for the employee or the employee's companion she/he may ask to postpone the meeting by up to 5 working days.
- i. Any new evidence the employee wishes to put forward will be considered, as will any new evidence from the Council. The original dismissal decision will be reviewed and may be confirmed or changed, but the sanction originally imposed will not be increased following appeal.
- j. The dismissal appeal meeting will not necessarily take place before any sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and is successful, the employee will be reinstated and continuity of employment will be preserved.
- k. The disciplinary appeal meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council time to consider its decision.
- l. Following the conclusion of the dismissal appeal meeting the Council will inform the employee of its final decision in writing within 5 working days.

8. GENERAL PROCEDURAL INFORMATION

- a. Oral Warnings and Written Warnings will normally be issued by the Chairman of the Parish Council. Disciplinary proceedings raised under the Council Disciplinary Procedure will also normally be investigated and any meetings conducted by the Chairman.
- b. Disciplinary or dismissal appeal meetings will be conducted by the full Council, chaired by the Vice Chairman (to allow the Chairman to represent to the Council actions taken on its behalf during the pre-appeal process).

Approved: 22/03/2016

Minute No: 09-03-16