

**ETTINGTON PARISH
COUNCIL**

POLICY AND PROCEDURE

ON

DISCIPLINE

Adopted on 12 August 2015

Review Date: May of each year at Annual Meeting

DISCIPLINARY PROCEDURE OF ETTINGTON PARISH COUNCIL

1. Purpose and Scope

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

2. Principles

- 2.1** The disciplinary procedure is designed to be fair to all and to ensure that you have a chance to put your side of the case where a disciplinary matter arises.
- 2.2** Any breach of any of the terms of your employment, or other serious breach of contract, misconduct, inefficiency or neglect by you 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 your duties or may bring the Parish Council into disrepute or adversely affect it may also be considered a reason for implementing the disciplinary procedure.
- 2.4** Generally the "manager" will be the Chairman of the Council though this function may be delegated to the Vice Chairman.

3. Informal Procedure

- 3.1** If your work or conduct is considered unsatisfactory, an informal meeting may be arranged by the manager to explain any shortcomings and suggest ways of correcting them and the time period over which this will be reviewed.
- 3.2** If the work or conduct does not improve within the agreed time period the Formal Procedure will be entered into.
- 3.3** The outcome of the informal procedure will be documented (and you will be provided with a copy of this for which you will be required to sign acknowledgement of receipt). (Appendix a)
- 3.4** The documentation will be kept on your file for a period of six months and any further breaches may lead to the formal procedure being implemented.
- 3.5** The formal procedure will be initiated by the manager 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

- 4.1** 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.

- 4.2** If the formal procedure is entered into then you will be notified immediately in writing (appendix b)

Investigation/Suspension

- 4.3** If there is a concern about your conduct, the Parish Council will investigate and for this purpose may, at its discretion, suspend you from work in which case you will be paid your basic remuneration and pension contributions (based on the average of the previous three complete months' salary) and continue to accrue annual leave. This suspension may last as long as any investigation and disciplinary process is continuing.
- 4.4** If you are suspended you will be required to cooperate with the Council in ensuring its access to records and equipment. If this is not complied with this, in itself, will be considered as a disciplinary matter.
- 4.5** In its absolute discretion, the Parish Council may:
- a) Require you to attend investigatory hearings for the purpose of being questioned about the allegation(s)/matter(s) of concern. Refusal to answer appropriate questions may in itself be regarded as a disciplinary matter.
 - b) Take witness statements from other individuals that were involved in relation to the allegation(s) or who may assist.
 - c) Take time to collate documentary or other evidence that may be relevant to the allegation(s).
- 4.6** 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.
- 4.7** If, following any investigation, the Parish Council considers that you may have committed a disciplinary offence, you will be informed in writing of the allegation(s) against you and you will be requested to attend a disciplinary hearing which will be scheduled within 10 working days of the date of the letter (appendix c).

Right to be accompanied at an investigation meeting/ disciplinary hearing

- 4.8** You have the right to be accompanied to a disciplinary hearing where you have been required or invited by the Parish Council to attend a disciplinary hearing and when you reasonably request to be accompanied to the hearing.
- 4.9** If you make such a request, you will be allowed to have a single companion at the hearing who is not a legal representative.
- 4.10** Your companion may be permitted to address the disciplinary panel but will not be permitted to answer questions on your behalf.
- 4.11** If your companion is not available at the time that the Parish Council has proposed for a disciplinary hearing, you 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

- 4.12** In the case of minor offences, you 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 you. Details of the oral warning will be placed on your personnel file but will be disregarded after a period of six months.

Written Warning

- 4.13** In the case of more serious offences or a repetition of earlier minor offences, you 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 your personnel file but will be disregarded after a period of twelve months.

Final Written Warning

- 4.14** In the case of a further repetition of earlier offences or in the event that you fail to improve or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, you will be given a final written warning and will be informed that any reoccurrence may lead to your employment being terminated.
- 4.15** Depending on the seriousness of the matter and all the circumstances, any of the above stages may be omitted.
- 4.16** In the case of gross misconduct &/or if the appropriate stages of the formal procedure have been exhausted, your employment will normally be terminated.

Appeal

- 4.17** If you do not agree with the result of any disciplinary decision, you will have the right of appeal provided it is made in writing to the manager within three working days of you being notified. You must set out in full the grounds on which you are appealing the decision, stating whether it is because you disagree with the findings of misconduct or the sanction that was imposed.
- 4.18** On receipt of notice of your appeal, the Parish Council shall be entitled to seek such other submissions, orally or in writing, from you or such other persons as appropriate.
- 4.19** You have the right to a hearing which will be by way of a review of the decision and not a full re-hearing. You have the right to have a companion present at the appeal hearing as you did with the disciplinary hearing.
- 4.20** Where you have been dismissed, the date of your dismissal will stand if the appeal is rejected and the date of the termination of your employment will not be the date that your appeal was rejected.

5. Gross Misconduct

- 5.1** If the Parish Council reasonably forms the view, from the available evidence, that you are guilty of gross misconduct, you 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:
- a) Accepting any bribes or gifts which could be construed as bribes.
 - b) Attendance at work while intoxicated or influenced by drugs that have not been prescribed to you by a medical practitioner.
 - c) Being abusive or rude to clients or customers.

- d) Breach of rules and regulations relating to health & safety matters that may constitute a danger to the health & safety of yourself, your fellow workers or anyone visiting the premises or properties of the Parish Council.
- e) Bringing the Parish Council into disrepute by conduct whether at work or outside.
- f) Conviction for any offence that is incompatible with your employment, which may place the Parish Council in disrepute or which causes the Parish Council to lose trust and confidence in you.
- g) Damaging the Parish Council's property or the property of an employee with deliberate intent.
- h) Discrimination against, or harassment of, any fellow worker or client or customer on the grounds of sex, race, sexual orientation or disability.
- i) Dishonesty at work whether or not it will cause loss to the Parish Council.
- j) Dishonesty outside work that may bring the Parish Council into disrepute or is incompatible with your employment.
- k) Failing to adhere to any statutory or regulatory requirements where such failure is wilful or amounts to gross negligence or incapability.
- l) Failing to correctly fill out your application or any documents relating to your employment which affect your qualifications for a job, your ability to carry out the job, or may affect the Parish Council's trust and confidence in you.
- m) Falsification of any of the Parish Council's documents whether or not they give you a pecuniary advantage or whether it is likely to cause loss to the Parish Council.
- n) Insubordination to your superiors which is incompatible with your position. Insubordination will be regarded as incompatible if it occurs before fellow workers.
- o) Misuse of any Parish Council vehicle. It will be a dismissible offence if you drive 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 your part.
- p) Negligent behaviour which may be gross or which may affect the Parish Council's trust and confidence in your ability to carry out your job.
- q) 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.
- r) 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.
- s) Theft or reasonable suspicion of theft or other criminal offence.
- t) Absence from work that is unauthorised.
- u) Receiving a custodial sentence regardless of the length of that sentence.
- v) Inappropriate use of the Parish Council's telephones &/or e-mail system &/or the internet.
- w) Downloading pornographic and other inappropriate material from the internet.

Appendix a

Disciplinary Procedure

Ettington Parish Council

[insert date]

Dear

Informal Disciplinary Procedure

The agreed outcome of our meeting on [insert date] is detailed below.

[insert outcome including any review date]

If your performance/behaviour in respect of these matters raises no further cause for concern the details of the informal disciplinary procedure will be removed from your file by [insert date six months from the date of this letter].

If your performance/behaviour in respect of these matters continues to be of concern then the formal stage of the Disciplinary Procedure will be entered into.

If you have any queries regarding this matter please do not hesitate to discuss with me.

Please sign acknowledge of receipt on both copies of this letter and return one to me, keeping the second for your records.

Yours sincerely

Name

I acknowledge receipt of this letter:

Name: **Date:**

Appendix b

Disciplinary Procedure

Ettington Parish Council

[insert date]

Dear

Formal Disciplinary Procedure

The purpose of this letter is to inform you that [delete as appropriate] following the informal stage of the disciplinary procedure as detailed in my letter of [insert date] your performance/behaviour continues to be of concern and the formal stage of the procedure will now commence/concerns have been raised with regard to your performance/behaviour as detailed below and the Formal Disciplinary Procedure will now be entered into.

The Council will commence an investigation on which there is no time limit but, in the interests of both you and the Council this will be undertaken as quickly as possible whilst ensuring thoroughness. Your cooperation is requested in this part of the process and may involve you to meet with the person/people who are undertaking the investigation. If this is required then you will be able to be accompanied by a companion who will not be a legal representative.

[The behaviour/performance is of such concern that it has been decided that you should be suspended with immediate effect. Suspension is a neutral act and is not seen as an assumption of guilt. Your salary [and pension contributions] will continue to be paid based on the average of the last three months salary. During the period of suspension, which is not time limited, you are required to cooperate with the Council in accessing records and equipment. Failure to do so may, in itself, be considered as a disciplinary matter.]* delete if not required.

You have previously been provided with a copy of the policy and it is available on [www.ettington.org/parish council/policies and procedures](http://www.ettington.org/parish_council/policies_and_procedures). Should you require a hard copy please let me know. This letter should be read in conjunction with the policy.

If you have any queries please do not hesitate to contact me.

Please sign acknowledge of receipt on both copies of this letter and return one to me, keeping the second for your records.

Yours sincerely

Name

I acknowledge receipt of this letter:

Name: **Date:**

Appendix c

Disciplinary Procedure

Ettington Parish Council

[insert date]

Dear

Formal Disciplinary Procedure – Outcome of Investigation

No Findings Against You/Written Warning/Final Written Warning* delete as appropriate

Further to my letter of [insert date] the investigations into your behaviour/performance has been completed.

[I am pleased to be able to tell you that the investigation found no reason for continuation of the Disciplinary Procedure and no record of the investigation will be retained on your file and the matter is now closed. I would like to thank you for your cooperation during this difficult period and assure you of the Council's full confidence in you.] * delete as appropriate

[I am sorry to tell you that the investigation found that there are ongoing concerns but these are not of a sufficiently serious nature to require a written warning. I would like to request a meeting with you on [insert date and time] or [insert date and time] at [insert venue] when an oral warning will be given and we can agree how we can work together to ensure the issues do not recur. Details of formal disciplinary process will be kept on your file but will be disregarded after six month from the date of this letter.] * delete as appropriate

[I am sorry to tell you that the investigation found that there are ongoing concerns, as detailed below, and that these are of a sufficiently serious nature to issue you with a formal warning and this letter is that warning. If appropriate the Council will do all it can to support you in addressing the concerns in order to minimise the likelihood of a recurrence.] * delete as appropriate

[You should be aware that if there are further/ongoing concerns regarding the performance/behaviours detailed above then this could require a final written warning to be issued. Details of formal disciplinary process will be kept on your file but will be disregarded after 12 months from the date of this letter. If appropriate the Council will do all it can to support you in addressing concerns in order to minimise the likelihood of a recurrence.] * delete as appropriate

[The concerns raised are considered to be of such a serious nature that it has been agreed that you be given a final written warning. You should be aware that any recurrence of the behaviour/performance issues may lead to termination of your employment.] * delete as appropriate

[insert details of concerns]

[I would also like to inform you that your suspension is lifted with immediate effect and normal duties will resume. I would like to arrange for all files/equipment to be returned to you and to provide you with an update on all matters occurring during the course of you

suspension in order to facilitate your smooth return to work and will telephone you to arrange this. You will be considered to have been working during the period of suspension and, therefore, annual leave will have accrued over that period.] * delete as appropriate

[If you do not agree with the result of any disciplinary decision, you will have the right of appeal provided it is made in writing to the manager within three working days of your receipt of this letter. You must set out in full the grounds on which you are appealing the decision, stating whether it is because you disagree with the findings of misconduct or the sanction that was imposed.

You have the right to a hearing which will be by way of a review of the decision and not a full re-hearing. You have the right to have a companion present at the appeal hearing as you did with the disciplinary hearing.

Where you have been dismissed, the date of your dismissal will stand if the appeal is rejected and the date of the termination of your employment will not be the date that your appeal was rejected] * delete as appropriate

You have previously been provided with a copy of the policy and it is available on [www.ettington.org/parish council/policies and procedures](http://www.ettington.org/parish_council/policies_and_procedures). Should you require a hard copy please let me know. This letter should be read in conjunction with the policy.

If you have any queries please do not hesitate to contact me.

Please sign acknowledge of receipt on both copies of this letter and return one to me, keeping the second for your records.

Yours sincerely

Name

I acknowledge receipt of this letter:

Name: **Date:**

I acknowledge receipt of a copy of Keyworth Parish Council's disciplinary procedure.

Signed.....

Date: