# Staff Disciplinary Policy

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## Policy Purpose:

1. This policy details the disciplinary procedure that will normally be followed in the event of misconduct. It is designed to ensure that the Parish Council is cognisant of the Equality Act 2010 which replaced and brought together previous legislation such as the Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995 and Equal Pay Act 1970 and to help employees achieve and maintain acceptable standards of conduct and job performance.

## Main Body:

**2. The following list, which is not exhaustive, provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings:**

2.1. Failure by an employee to perform the duties and responsibilities contained in his/her Contract of Employment or to the standard expected by the Parish Council.
2.2. Unsatisfactory time keeping.
2.3. Unauthorised absenteeism.
2.4. Unsatisfactory sickness record.
2.5. Minor breaches of rules or policies.
2.6. Any other conduct that the Parish Council decides constitutes misconduct.

**3. The following list, which is not exhaustive, provides examples of conduct that will normally be regarded as gross misconduct leading to disciplinary proceedings, suspension or dismissal:**

3.1. Refusal or repeated failure by an employee to carry out his/her duties.
3.2. Failure to maintain correct accounting records.
3.3. Falsification of documents or information.
3.4. Unauthorised disclosure of confidential information.
3.5. Any act of dishonesty.
3.6. Any act of unlawful discrimination.
3.7. Assaulting a fellow employee, Councillor or any other person whilst acting or purporting to act on behalf of the Parish Council.
3.8. Using insulting, abusive, indecent or offensive behaviour towards a fellow employee, Councillor or any other person whilst acting or purporting to act on behalf of the Parish Council.
3.9. Serious or repeated harassment (including sexual and racial harassment).
3.10. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
3.11. Causing wilful damage to Parish Council property.
3.12. Theft, unauthorised use or possession of Parish Council property.
3.13. Conduct that brings the Parish Council into disrepute.
3.14. Any other conduct that the Parish Council decides constitutes gross misconduct.

## 4. Verbal Warnings

4.1. Verbal Warnings are issued for most first instances of minor misconduct, depending on the seriousness of the offence.

4.2. If the employee is given a Verbal Warning, it will be given by the Chair and he/she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his/her conduct to the satisfaction of the Parish Council.

4.3. A written note confirming the Verbal Warning will be retained by the Parish Council and a copy will be sent or given to the employee.

4.4. A Verbal Warning will remain in force for six months.

## 5. First Written Warnings

5.1. In the case of a more serious offence or repetition of an earlier minor offence, the employee will normally be given a First Written Warning.

5.2. A First Written Warning will be issued by the Chair of the Council and will set out:

5.2.1. The nature of the offence, the improvement required (if appropriate) and over what period.

5.2.2. The likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.

5.2.3. That further offences will result in further disciplinary action.

5.2.4. The employee's right of appeal.

5.3. A First Written Warning will remain in force for one year.

5.4. Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.

## 6. Final Written Warning

6.1. If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious enough to warrant only one written warning, the employee will be given a Final Written Warning.

6.2. A Final Written Warning will be issued by the Chair of the Council and will set out:

6.2.1. The nature of the offence, the improvement required (if appropriate) and over what period.

6.2.2. The likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.

6.2.3. That further offences will result in further disciplinary action.

6.2.4. The employee's right of appeal.

6.3. A Final Written Warning will remain in force for one year.

## 7. Suspension

7.1. If an employee is accused of any gross misconduct, he/she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s).

7.2. The Parish Council will then follow procedures detailed in item 8.

## 8. Formal Disciplinary Procedure

8.1. In the case of further misconduct within the time period specified in any Final Written Warning or allegation of any gross misconduct, the following formal disciplinary procedure will be followed.

8.2. The Chair of the Council will appoint a panel of three members to investigate the alleged misconduct and establish the facts, taking into account the statements of any available witnesses.

8.3. The panel will set out in writing the alleged conduct or other circumstances which led the Parish Council to contemplate taking disciplinary action against or dismissing the employee and will send or give the employee a copy.

8.4. The employee will then be invited to attend a disciplinary meeting to discuss the matter.

8.5. The employee will be provided with a reasonable opportunity to consider his/her response to the information provided in the statement before attending the meeting.

8.6. Disciplinary meetings will normally be convened within ten working days of the Parish Council sending or giving the employee the written statement referred to in 8.5 above.

8.6.1. The Parish Council may appoint an independent adviser to assist the panel with the disciplinary process.

8.7. The employee must take all reasonable steps to attend the disciplinary meeting and has the right to be accompanied by a representative.

8.8. If the disciplinary meeting is inconvenient for either the employee / ex-employee or his / her representative, they have the right to reschedule the meeting by up to five working days to a mutually agreeable time and date.

8.9. A disciplinary meeting may be adjourned to allow matters raised during the course of the meeting to be further investigated or to afford the panel time to consider their decision.

8.10. The findings of the panel will be reported to the Chair then discussed at the next scheduled Parish Council meeting.

8.11. If the Parish Council believes the employee is guilty of gross misconduct, his/her employment will be terminated without notice or pay in lieu of notice.

8.12. After the findings have been ratified or amended at the Parish Council meeting, the employee will be informed of the decision in writing within five working days.

8.13. If the employee wishes to appeal against the result, he / she must inform the Parish Council in writing within five working days of receiving written notification of the decision.

8.14. If the employee notifies the Parish Council that they wish to appeal, they will be invited to attend a disciplinary appeal meeting before the full Council at the next scheduled Parish Council meeting.

8.14.1. Members of the public will be excluded from this part of the meeting under Council Standing Order 3(d) due to the confidential nature of the discussions.

8.14.2. The employee must take all reasonable steps to attend that meeting and has the right to be accompanied by a representative.

8.14.3. If the disciplinary appeal meeting is inconvenient for either the employee or his / her representative, they have the right to reschedule the meeting by up to five working days to a mutually agreeable time and date when an extraordinary Parish Council meeting will be convened.

8.15. After the disciplinary appeal meeting the employee will be informed of the Parish Council's final decision in writing within five working days.