



## Burton upon Stather Parish Council

### Disciplinary Procedure

This Disciplinary procedure applies to all employees, who should familiarise themselves with its provisions. It is intended to help and assist employees achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:-

- Fulfil the duties specified in their contract of employment.
- Maintain high standards of integrity and conduct to protect the Council's public reputation, abiding by the Nolan principles of standards in public life.

It is not intended that this procedure should replace routine management, supervisory or appraisal systems, and the use of a formal capability procedure to address persistent shortcomings in performance should also be considered before this procedure is initiated. All staffing matters will only be discussed in closed sessions of the Parish Council and by the minimum number of councillors involved.

For instances of minor misconduct or unsatisfactory performance the Clerk/the Clerk's line manager (Normally the Chair of the Council or another Councillor appointed by resolution) may speak to the employee informally before implementing any formal disciplinary procedure. The terms of the breach of discipline should be clearly explained to the employee, along with expectations of improved standards of conduct. However, depending on the seriousness of the alleged offence, there is no obligation for the Clerk/the Parish Council Chair to do this.

For other instances of alleged misconduct the following procedures will apply:-

1. In the first instance, the complaint should be made in writing to the Clerk or Parish Council Chair and the employee given a copy. The Chair will ask the Parish Council's Vice Chair to ask a member of the Personnel Committee ('The Member') to establish the facts surrounding the complaint by holding an investigatory meeting with the employee and, if necessary, taking into account the statements of any available witnesses, any other materials relevant to the issue or any matters the employee asks to be considered. On that basis, The Member investigating should reach a view of what action should be taken next.
2. If The Member considers that it is not necessary to resort to the formal warning procedure, she/he will discuss the matter with the employee. The terms of the breach of discipline should be clearly explained to the employee, along with

expectations of improved standards of conduct. The discussion will be in private and the employee will be informed that no formal disciplinary action is being taken. The Members decision should be communicated to the Parish Council Chair

3.1 If The Member considers that it is necessary to invoke a formal warning procedure, she/he will write to the employee with details of the alleged disciplinary failing and requesting the employee to attend a disciplinary meeting to discuss the matter. At the same time, the member should notify the Parish Council Chair or Vice Chair that a disciplinary meeting is convened and why, and request they appoint two different members of the Personnel Committee, in addition to The Member investigating, to conduct it. This meeting should normally take place no later than fourteen days after the employee is notified of the decision to proceed. All papers that are to be presented at the meeting must be shared with both parties at least 24 hours prior to the meeting.

3.2 At that meeting, the employee has the right to be accompanied by a trade union representative or a colleague of their choice to make representations on their behalf and must be given the opportunity to state their case. The employee will be informed verbally on the day of the meeting the findings of the meeting and have this confirmed in writing by The Member no later than three days after the decision is made. If the complaint is upheld, the employee will be notified of their right to appeal. The same information will be confirmed in writing to the employee by The Member no later than three days after the decision is made. The following sanctions may then apply, but, depending upon the seriousness of the offence, may be invoked at any level including summary dismissal.

3.3. In the case of minor offences or a repetition of earlier minor offences the employee will be given a formal oral warning. She/he will be advised that the warning constitutes the first formal stage of the disciplinary procedure and that a note will be placed on his/her personal file. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained and a file note made only that a verbal warning has been given.

3.4. In the case of serious offences or a repetition of earlier minor offences, where a formal oral warning had been given, the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period.

3.5. In the case of a further repetition of earlier offences where the employee still fails to improve, or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, the employee will be given a final written warning setting out the precise nature of the offence, containing a statement that any recurrence will lead to dismissal or whatever other penalty is considered appropriate and specifying the improvement required and over what period.

3.6. Depending upon the seriousness of the matter and having considered all the circumstances and facts, any of the above stages may be omitted and the offence treated as gross misconduct.

3.7. In the case of alleged gross misconduct, or if all or the appropriate stages of the warning procedure have been exhausted, the employee will normally be dismissed with notice, but only after the consideration of other possible disciplinary action including suspension or withholding of a salary increment; suspension with or without pay

4. Where the employee is accused of an act of gross misconduct she/ he may be suspended from work on full pay pending the outcome of investigation into the alleged offence.

5. If the employee is dissatisfied with the outcome of any stage of the formal procedure s/he may appeal in writing within seven days of being notified of the decision to the Council Chair. An Appeal Meeting must then be conducted by the Council Chair and two other members of the Council who have no previous involvement in the disciplinary proceedings thus far and who need not be members of the Personnel Committee. The Appeal Meeting will not be a rehearing of the original meeting. Its purpose is to allow the employee to show that the original decision was wrong on its finding of facts and/or that the original sanction was too severe. Procedures and timescales for the Appeal Meeting will be as at paragraphs 3 above. The Appeal Meeting may uphold the original finding and confirm the sanction, uphold the original finding and vary the sanction or any elements of it or dismiss the original finding. The Appeal Meeting's decision is final.

6. The following are not exhaustive examples of the sort of offences which, if confirmed, will normally lead to formal disciplinary action being taken:-

6.1. Minor offences (oral warning); unsatisfactory timekeeping, absenteeism including any absence from work during a working day without prior authorisation or instruction or any minor breach of the Council's policies.

6.2. Serious offences (written warning); negligence resulting in minor loss, damage or injury; failure to comply with a specific instruction; irresponsibility in relation to other employees; activities or impropriety in relation to the employee's tasks for the Council within working hours, which the Council reasonably considers to be detrimental to or conflicting with the interest of the employer or likely to affect the employee's standard of work; failure to disclose any personal interest of the employee which conflict with any matter of the Council with which the employee is engaged; or any breach of confidentiality relating to the Council or members of the public.

6.3. Gross misconduct (dismissal); negligence resulting in serious loss, damage or injury, assault or attempted assault; theft; malicious damage to property; wilful disregard of duties or of instructions relating to the Council's affairs; the use for personal ends of confidential information obtained by the employee in the course of

employment; falsification of records; conduct violating common decency, or conviction on a criminal charge relevant to the employee's employment. (In serious cases, dismissal will normally be without notice).

7. A record of any disciplinary action taken will remain on an employee's personal file for between one month and one year.

8. All staffing disciplinary and grievance matters shall be discussed in private session. In the first instance the only councillors who should have any knowledge of an issue with an employee should be Council Chair/Vice Chair together with members of the Personnel Committee.