



Itchen Valley Parish Council

Disciplinary procedure

Policy

The Council aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct throughout the organisation. This policy and procedure is designed to help and encourage employees to achieve and maintain standards of conduct, attendance and job performance. This policy also aims to resolve problems of conduct or performance and wherever possible to avoid dismissal. The Council's Standing Orders, the Parish Council Employee Rules, this procedure and associated documentation, apply to all employees.

Purpose and scope

The organisation's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action that will be taken when disciplinary rules are breached.

Principles

The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently.

An Employee has the right to appeal against any disciplinary penalty. An appeal meeting will be arranged as soon as possible and will be conducted by the Chairman or the Appeals Committee selected from Councillors on the Finance and General Purposes Committee who have not been involved in the process up to this point.

- No disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing has taken place. The employee will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing
- The employee will be given the opportunity to state his or her case at every stage at a disciplinary hearing before any decision is made
- The employee will have the right to be accompanied by a supporter or accredited trade union official during the disciplinary interview or disciplinary appeal. The right of representation does not extend to investigatory meetings.
- Mitigating circumstances will be taken into account any when reaching decisions on appropriate disciplinary penalties
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct. The penalty for this will be summary dismissal, i.e. dismissal without notice or pay in lieu of notice
- An employee will have the right to appeal against any disciplinary penalty imposed

- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action
- In poor performance cases, where the reason is not within the control of the employee, the organisation's capability policy and procedure will be used instead. But poor performance resulting from negligence, lack of application or attitudinal problems, for example, will be dealt with under the disciplinary procedure. Also, where an employee's absences are deemed to be of a casual nature, the employee will be dealt with under the disciplinary procedure.

Informal warnings

It may be appropriate for an employee to receive an informal warning prior to formal disciplinary action being taken. This will be for the purpose of allowing the employee a chance to address the issue without formal proceedings. An informal warning is not recorded in writing (although an informal file-note may be made in the personnel file).

The procedure

At the conclusion of the disciplinary hearing, **any** of the following actions may be deemed to be appropriate.

Stage 1 – First written warning

If conduct or performance is unsatisfactory, the employee will be given a formal disciplinary warning. Such warnings will be recorded but disregarded after a period of satisfactory service. The exact timeframe will be confirmed in writing when the penalty is notified to the employee.

Stage 2 – Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within a reasonable action at Stage 3 will be taken. Again, the exact timeframe will be confirmed in writing when the penalty is notified to the employee.

Stage 3 – Dismissal or action short of dismissal

If the conduct or performance has failed to improve, the employee may be subject to demotion, disciplinary transfer or dismissal.

Gross misconduct

If an employee has committed an offence of the following nature the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft, fraud;
- Any involvement in bribery, giving, receiving or facilitating bribes;
- Unauthorised entry to computer records or deliberate falsification of records;
- A serious breach of the organisation's rules on email and internet usage, health and safety policy, harassment policy or data protection policy;
- Violence, assault or dangerous horseplay;
- Deliberate or reckless damage to organisation property or a fellow employee or Councillor;
- An inability to perform job duties through being under the influence of alcohol or drugs;
- A serious breach of the Council's safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the organisation, its employees or customers, including interference with any equipment provided for the health and safety of employees;
- Conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties;
- A serious act of insubordination, such as deliberate refusal to carry out proper instructions;
- Acts of bullying, harassment or discrimination, gross insubordination or objectionable and insulting behaviour;
- A serious breach of trust or confidentiality;
- Conduct which is inconsistent with the continuance of the relationship of fidelity between the Parish Council and an employee;
- Gross immorality within the workplace; or
- Breach of the Data Protection Regulations.

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct. Other incidents may also constitute Gross Misconduct

The employee may be suspended while the alleged gross misconduct is being investigated. During this time, he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer after full investigation. When this investigation has been completed the employee will be invited to attend a disciplinary meeting (at which s/he will be entitled to representation) to respond to the allegations.

In cases of misconduct (situations less serious than gross misconduct) it might also be appropriate to suspend the employee if this assists with the investigation.

Appeals

Employees have the right to appeal after a disciplinary sanction has been applied. Employees can exercise their right to appeal by writing to the person named in the letter confirming the outcome of the disciplinary hearing within five working days of receiving written notification of the disciplinary sanction.

The letter should state the grounds upon which the appeal is being lodged. If the appeal is against dismissal, the dismissal decision will stand unless or until the Chairman or Appeals Committee decides otherwise. The decision of the Chairman or Appeals Committee will be notified in writing and will be final and binding.

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