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Aynho Parish Council Disciplinary Procedure

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Disciplinary Procedure

Adopted on: 05/09/2011

Chair: Colin Macklin

Clerk: Sadie Patamia

STAFF DISCIPLINARY PROCEDURE

PREAMBLE

This disciplinary procedure is designed to help and encourage employees to 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.
 - Be honest and act beyond suspicion of dishonesty.
 - Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.
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1. INTRODUCTION

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct.

1.2 The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- Unsatisfactory time keeping.
- Absenteeism, including any absence from work during a working day without prior authorisation or instruction.

- Failure to comply with rules and regulations applicable to job requirements.
- Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the Council.
- Insubordination.
- Any other conduct that from time to time is defined by the Council as amounting to misconduct.

For first instances of minor misconduct, the Chairman of the Council may speak to the employee informally before implementing a formal disciplinary procedure. However, there is no obligation for the Chairman to do this.

2. VERBAL WARNINGS

2.1 'Verbal Warnings' are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning, he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Council.

A Verbal Warning will be given by the Chairman and a note confirming the Verbal Warning will be placed on the employee's personnel file with a copy sent to the employee. A Verbal Warning will remain in force for 6 months.

2.2 The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

3. FIRST WRITTEN WARNING

3.1 In the case of a serious offence or repetition of an earlier minor offence, the employee will normally be given a First Written Warning. A First Written Warning will be issued by the Chairman and will set out:

- The nature of the offence and the improvement required (if appropriate) and over what period.
- The likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.
- That further offences will result in more serious disciplinary action.
- The employee's right of appeal.

3.2 A First Written Warning will remain in force for 6 months. The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

4. FINAL WRITTEN WARNING

4.1 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 and will set out:

- The nature of the offence and the improvement required (if appropriate) and over what period.
- The likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard.
- That further offences will result in more serious disciplinary action up to and including dismissal.
- The employee's right of appeal.

4.2 Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct but is sufficiently serious enough to warrant only one written warning.

4.3 A Final Written Warning will remain in force for 12 months.

5. STANDARD COUNCIL DISCIPLINARY PROCEDURE

5.1 In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee, the following formal disciplinary procedure will be followed.

5.2 The Council will appoint a Staffing Panel of three members (excluding the Chairman) to investigate the alleged misconduct and establish the facts, taking into account the statements of any available witnesses.

5.3 The Staffing Panel will provide the employee with a written statement of the alleged conduct or circumstances leading the Council to contemplate disciplinary action, and the basis for the allegation. The employee will be invited to attend a disciplinary meeting to discuss the matter.

5.4 The employee will be provided with a reasonable opportunity to consider the response before attending the meeting and must take all reasonable steps to attend. The employee may be accompanied by a representative.

5.5 Disciplinary meetings will normally be convened within 5 working days of the Council sending the written statement. If the meeting date is inconvenient for the employee or their representative, it may be postponed by up to 5 working days.

5.6 The meeting may be adjourned to allow further investigation or time to consider a decision.

5.7 The Panel will report to the Chairman, who will call a meeting of the Council to ratify the Panel's decision.

5.8 The employee will be informed of the decision and any applicable sanction within 5 working days. The meeting of the Panel may be reconvened for this purpose. The decision will be confirmed in writing.

5.9 If the employee wishes to appeal, they must notify the Council in writing within 5 days of receiving the written notice.

5.10 Upon appeal, the employee will be invited to a disciplinary appeal meeting of the full Council. The employee must attend and may be accompanied by a representative.

5.11 An appeal meeting will usually be convened within 5 working days. Postponement of up to 5 days may be requested.

5.12 Any new evidence presented by either side will be considered and the original penalty reviewed.

5.13 The original sanction cannot be increased upon appeal.

5.14 The appeal meeting does not delay the disciplinary sanction taking effect. If the appeal against dismissal is successful, the employee will be reinstated with preserved continuity of employment.

5.15 The meeting may be adjourned for further investigation or consideration.

5.16 The Council will notify the employee of its final decision within 5 working days, confirmed in writing.

6. COUNCIL DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

6.1 The following list provides examples of conduct that will normally be regarded as Gross Misconduct (not exhaustive):

- Refusal or repeated failure to carry out duties.
- Falsification of documents/information (including expense claims).
- Unauthorised disclosure of confidential information.
- Assaulting a colleague or any other person while representing the Council.
- Insulting, indecent or offensive behaviour.
- Serious or repeated harassment (e.g. sexual or racial).
- Incapacity at work due to alcohol, drugs, or substances.
- Wilful damage to Council property.
- Theft or unauthorised use of Council or other employees' property.
- Conduct bringing the Council into disrepute.
- Any other conduct defined by the Council as gross misconduct.

6.2 An employee accused of gross misconduct may be suspended on full pay for up to 10 working days, unless exceptional circumstances require longer.

6.3 A Staffing Panel of three members (excluding the Chairman) will investigate and may interview the employee.

- 6.4** The Panel will report to the Chairman, who will call a meeting of the Council to ratify the Panel's decision.
- 6.5** If found guilty of gross misconduct, the employee may be summarily dismissed without notice or pay in lieu.
- 6.6** The Council will provide a written statement of the misconduct, reasons for dismissal, and the termination date. The employee will be reminded of any ongoing obligations and informed of the right to appeal.
- 6.7** To appeal, the employee must notify the Council in writing within 5 working days of receiving the decision.
- 6.8** The Council will invite the employee to an appeal hearing before the full Council. The employee must attend and may be accompanied by a representative.
- 6.9** An appeal meeting will usually be convened within 5 working days. Postponement of up to 5 days may be requested.
- 6.10** New evidence from either side will be considered, and the original penalty reviewed.
- 6.11** The sanction cannot be increased upon appeal.
- 6.12** The appeal does not delay the effect of the dismissal. If successful, the employee will be reinstated with full continuity of service.
- 6.13** The appeal meeting may be adjourned for further investigation or deliberation.
- 6.14** The Council will confirm its final decision in writing within 5 working days of the appeal meeting.

Aynho Parish Council
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Version number	Purpose/change	Author	Date
0.1	Initial draft	AY	23/07/24