

STETCHWORTH PARISH COUNCIL

DISCIPLINARY PROCEDURE

Purpose and Scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all the employees of Stetchworth Parish Council ('the Council').

Principles

In using this procedure, the Council will apply the following principles: -

The Council will consider, whenever possible taking informal action where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated. The Council, *at its discretion, may engage a third-party organisation to undertake an investigation and also to give or provide expert advice in implementing this procedure)*

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case, before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or work companion.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action, which will be heard by a panel of members appointed by the Council.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

The Council can, when appropriate, apply the procedure which is as follows: -

First Stage of a Formal Procedure

This will normally be either:

An Improvement Note for Unsatisfactory Performance.

This can be used if job performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal process. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 3 months but will then be considered spent – subject to achieving and sustaining satisfactory

performance

Or

A First Warning for Misconduct if Conduct Does Not Meet Acceptable Standards.

This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept but it will be disregarded for disciplinary purposes after 6 months.

Final Written Warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on the employee's personal file but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or Other Sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal, or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be by a panel of members appointed by the Council. Where an employee appeals against a decision against being dismissed or some other sanction a different panel of members will hear the appeal.

The employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

Gross Misconduct

The following list provides some examples of offences, which are normally regarded as gross misconduct:

1. theft or fraud
2. physical violence or bullying
3. deliberate and serious damage to property
4. serious misuse of an organisation's property or name
5. deliberately accessing internet sites containing pornographic, offensive or obscene material
6. serious insubordination
7. unlawful discrimination or harassment
8. bringing the organisation into serious disrepute
9. failure to disclose, on appointment any unspent criminal conviction or offence.
10. failure to notify THE COUNCIL of any pending criminal prosecution (this includes

prosecution for motor offences)

11. serious incapability at work brought on by alcohol or illegal drugs
12. causing loss, damage or injury through serious negligence
13. a serious breach of health and safety rules
14. a serious breach of confidence
15. Serious breach of the computer, e-mail and internet policy.
16. Serious breach of the Council's Data Protection policy

If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. A panel of members appointed by the Council will hear appeals and their decision will be final. At the appeal, any disciplinary penalty imposed will be reviewed.

Who can take Disciplinary Action?

1. Disciplinary action which may lead to improvement notes or a first level warning being given can be taken by the Chairman or a panel appointed by the Council.
2. Only a panel appointed by the Council may dismiss or advise the organisation to dismiss an employee from the Council's service.

Adopted by Stetchworth Parish Council

February 2020.

Review due February 2022