

**SHADINGFIELD, SOTTERLEY WILLINGHAM AND ELLOUGH
JOINT PARISH COUNCIL**

DISCIPLINARY POLICY

Purpose and scope

- 1.1 This policy 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/workers. The aim is to ensure consistent and fair treatment for all staff employed by The Parish Council.

Principles

- 1.2 Informal action will be considered, where appropriate, to resolve problems.
- 1.3 No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.
- 1.4 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.
- 1.5 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. Witness statements may, in appropriate circumstances, be anonymised.
- 1.6 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- 1.7 An employee will not normally be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 1.8 An employee will have the right to appeal against any disciplinary action.
- 1.9 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

- 1.10 This will normally be either:

- *an improvement note for unsatisfactory performance* if 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. 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 twelve 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.

Final written warning

- 1.11 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 by the supervisor but will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

- 1.12 If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or in appropriate cases, some other action short of dismissal such as demotion, disciplinary suspension with no pay or transfer. Dismissal decisions can only be taken by the Council and the employee will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 1.13 If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

Where the disciplinary matter relates to the Clerk the hearing will be conducted by a special disciplinary committee comprising of at least three councillors.

Gross misconduct

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

- Theft, dishonesty, falsification of documents or fraud
- physical violence/intimidation/aggressive behaviour or bullying
- deliberate/wilful negligent damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
- serious insubordination
- unauthorised absence
- failing to follow a reasonable management instruction
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a breach of trust & confidence.

1.15 If you are accused of an act of gross misconduct, you may be suspended from work on full pay, whilst the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

1.16 An employee who wishes to appeal against a disciplinary decision must do so within five working days. The Council will nominate a special appeals committee to hear the appeal, comprising of councillors who have not previously been involved in the matter.

Date of adoption: April 2021	Chair
Date of next review: April 2023	Clerk