

# **Bawdeswell Parish Council**

## **Disciplinary Policy**

The Council is committed to ensuring that its employees achieve and maintain acceptable standards of conduct and job performance at all times, and in particular to:

- fulfil the duties specified in their contract of employment;
- be honest and act beyond suspicion of dishonesty; and
- maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

The Council treats seriously all complaints about the conduct of its employees and ensures that allegations of misconduct are heard properly and resolved in a speedy, consistent and fair manner through a process of mediation with a view to seeking conciliation.

### **1. Establishing the facts of the case.**

Evidence is to be collected without unreasonable delay. This is to be undertaken by a person (the Investigator) authorised by the Chairman of the Council. While the facts are being established the employee may be suspended with pay on a without prejudice basis. This period is to be kept as short as possible and is not, in itself, a disciplinary action.

### **2. Informing the employee of the problem.**

In the case of minor misconduct or poor performance it might be considered appropriate to issue a verbal warning, in which case no further action would be taken. If further similar misconduct or poor performance is committed a second verbal warning may be given and recorded on the employee's record.

No further verbal warnings would be given within a 12 month period but any further cases of minor misconduct or poor performance will be dealt with by means of a Disciplinary Meeting.

For more serious or continued misconduct or poor performance the employee is to be notified of the problem in writing with sufficient information about the alleged misconduct or poor performance, written evidence and witness statements, and their possible consequences to enable the employee to prepare an answer to the case at a Disciplinary Meeting.

### **3. Disciplinary Meeting.**

A Disciplinary Panel is to be set up by the Council but will not include the Investigator who carried out the initial investigation.

The Disciplinary Meeting is to be held without unreasonable delay while allowing the employee time to prepare their case.

The employee is to be given details of the time and venue of the Disciplinary Meeting and advised of their right to be accompanied.

Notice is to be given in writing to any witnesses to be called by the employee and the Council.

Where an employee is persistently unable or unwilling to attend a Disciplinary Meeting, the Council will make a decision on the evidence available.

At the Disciplinary Meeting the Investigator is to explain the complaint and set out the evidence. The employee may set out their case, answer any allegations, and be given the opportunity to raise points.

With the employee's consent, the employee's companion may address the meeting to put the employee's case, respond to points raised, and confer with the employee.

#### **4. Decision on appropriate action**

The decision of the Disciplinary Panel, together with any action (disciplinary or not) is to be communicated in writing to the employee. Where misconduct or poor performance are confirmed the employee will usually be given a written warning. A further act of misconduct or failure to improve performance within a set period will normally result in a final written warning.

If the first misconduct or unsatisfactory performance is deemed to be sufficiently serious it may be decided to proceed to a final written warning. This is most likely to occur where an employee's actions have had or are liable to have a serious or harmful impact on the Council and its operation.

A first or final warning would set out the nature of the misconduct or poor performance, the changes or improvements required (with time scale and the length of time for which the warning is current), and the consequences of further misconduct or failure to improve performance.

Gross misconduct may result in dismissal without notice. Such offences include but are not limited to theft or fraud, physical violence, sexist and racist abuse, gross negligence or serious insubordination.

If a decision to dismiss is taken the employee would be informed as soon as possible of the reason for their dismissal, the date on which their employment ceases, and their right of appeal.

#### **5. Appeal.**

An employee may appeal against a decision if they feel that the disciplinary action is wrong or unjust, the correct procedures have not been followed or new information comes to light. Employees must inform the Council of the grounds for their appeal in writing within five working days. An appeal is to be heard without unreasonable delay. The appeal is to be heard by an Appeals Panel which will not include the Investigator or members of the Disciplinary Panel. The employee may be accompanied at the appeal. The decision of the Appeals Panel is final.

#### **Appendix**

Examples of conduct normally regarded as misconduct leading to disciplinary proceedings include:

- 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.