Staff Disciplinary Policy and Procedure

1. Introduction

1.1 The aim of this policy and procedure is to encourage all employees to achieve and maintain appropriate standards of conduct or satisfactory performance. It is designed to ensure that all employees understand the behaviour expected of them and the action that may be taken should their behaviour fall below such standards. Where this occurs it is the council's aim to deal with the matter fairly, speedily and consistently and in accordance with the agreed procedure.

1.2 Any complaint or allegation regarding the conduct of an employee should, in the first instance, be referred to the clerk who would normally deal with a first and relatively minor infringement informally. An informal discussion will point out any shortcomings and encourage improvement.

1.3 However, where the facts of the case appear to call for disciplinary action, (the clerk will decide whether the misdemeanor amounts to misconduct or gross misconduct), the procedure will then be followed. No disciplinary action will be taken until the matter has been fully investigated.

1.4 In the event of disciplinary action against the Clerk reference in these procedures to 'the clerk' should be replaced by 'the chairman of the council' who may appoint members of the council to investigate as considered appropriate.

1.5 At all stages of the procedure, the employee will be kept advised of the procedure and, once formal procedure is instigated the employee shall be provided with copies of all evidence and witness statements made regarding the misconduct or unsatisfactory performance.

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 or friend/adviser not acting in a legal capacity. The employee must advise the council, in good time of any discussions, meetings and hearings, of the name and relation of this person. The representative must be acceptable to the council. Whilst the representative can speak at the meeting and ask questions, he or she cannot answer questions on behalf of the employee.

1.7 Depending on the nature of the misconduct or unsatisfactory performance, the council may consider training, additional support or adjustments to work as part of the procedure.

1.8 At any stage in the process, it may be considered appropriate to employ mediation.

1.9 The following are examples of offences which would be regarded as gross misconduct (this list is not exhaustive):
Theft; fraud; being unable to perform duties satisfactorily due to the influence of drink or illegal drugs whilst at work or on council premises; disclosure of confidential information; deliberate damage to council property or that of other employees or members of the public; disorderly, indecent or violent behaviour during employment or whilst on council premises; acts of incitement or actual acts of harassment or discrimination on the grounds of sex, race, religion or age; negligence which could endanger employees and members of the public; any breaches of computer security; a serious breach of health and safety rules; bringing the organisation into disrepute.

2. Misconduct - Oral Warning

2.1 If the outcome of the informal discussion is that an improvement is required, the employee will be advised that they are being given an oral warning. The employee will be advised how conduct will be reviewed and over what period and also of the consequences if there is no improvement or if further misconduct occurs.

2.2 A note giving details of the oral warning will be kept on file and a copy given to the employee who should confirm receipt.

2.3 The employee should be advised in writing of their right to appeal to the whole council.

2.4 If no further disciplinary action is required within 6 months of issuing the oral warning, the note will be removed from the file.

3. Misconduct - Formal Written Warning

3.1 If the outcome of an informal discussion is that a serious offence has occurred, or there has been no improvement following an oral warning, the employee will receive a formal written warning from the parish council.

3.2 The written warning will set out the nature of the offence, the improvement required, giving a timescale where applicable and the consequences of no improvement or further misconduct.

3.3 A note giving the details of the formal written warning will be kept on file and a copy given to the employ who should confirm receipt in writing.

3.4 If no further misconduct relative to the same warning occurs and the improvement required is sustained then the note will be removed from the employee's file at the end of 9 months.

3.5 The employee should be advised in writing of their right to appeal to the full council.

4. Misconduct - Final Written Warning

4.1 If there is no improvement following a written warning, or misconduct is sufficiently serious to warrant only one written warning the employee will receive a final written warning.

4.2 This warning will detail the misconduct, warn the employee that dismissal will result if there is no satisfactory improvement, giving a time scale if necessary, and notify them of the right of appeal to the full council.

4.3 If no further misconduct relative to the same warning occurs and the improvement required is sustained then the note will be removed from the employee's file at the end of 12 months.

4.4 The Clerk will notify the Chairman of any procedures in hand and of any final written warnings given.

4.5 In the event that such disciplinary action is taken against the Clerk, the chairman of the council will notify the council of any procedures in hand and of any final written warnings given.

5. Misconduct - Dismissal

5.1 If there is no improvement following a final written warning, a full council meeting will be convened, to hear the matter, within 10 working days wherever possible subject also to the availability of the employee's representative and employee. Whilst the representative can speak at the meeting and ask questions, he or she cannot answer questions on behalf of the employee.

5.2 The council will decide "in camera" whether dismissal is justified and will communicate the decision to the parties concerned verbally after the close of the meeting if the parties so wish.

5.3 In the event that the council is unable to make a decision, e.g. because of the council's need to seek further advice or information, the reason for not reaching a decision will be conveyed in writing to the parties concerned.

5.4 In any event the decision will be conveyed in writing in 5 working days.

5.5 If the employee wishes to appeal against the decision of the council, they must do so in writing to the chairman within 10 working days. The full council will hear the case and will communicate their decision in writing to the parties concerned.

5.6 The decision of the council is final.

6. Gross Misconduct

6.1 Where the clerk decides that the misdemeanor amounts to gross misconduct, the clerk will consult with the chairman, to decide whether the employee will be suspended on full pay while the matter is investigated. Any decision to dismiss will be taken only after full investigation.

6.2 Where the misdemeanor is against the clerk, the chair will consult with the vice chair, to decide whether the clerk will be suspended on full pay while the matter is investigated. Any decision to dismiss will be taken only after full investigation.

6.3 The full council will be convened within 7 working days wherever possible, subject also to the availability of the employee and employee's representative, who will hear the case as detailed in section 5 above.

6.4 The council decision will be final.