

Ellisfield Parish Council

Disciplinary Policy and Procedure

1. Purpose and scope

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.

2. Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague.
- An employee has the right to appeal against any disciplinary penalty.

3. The Procedure

To ensure the employee can be granted a fair appeal, the Council should appoint three Councillors to investigate the matter and to form a panel to deal with stages 1 to 4 and to deal with cases of gross misconduct

Stage 1 – Verbal Warning

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 note confirming the Verbal Warning will be placed on the employees personnel file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for 6 months.

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

Stage 2 – First Warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after six months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first

offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the council, it may be justifiable to move directly to a final written warning.)

Stage 3 – Final Written Warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results, action at Stage 4 will be taken. The note will remain on file for a period of 12 months.

Stage 4 – Dismissal

If the conduct or performance has failed to improve, the employee may suffer dismissal.

4. Gross misconduct

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft,
- damage to property,
- fraud,
- incapacity for work due to being under the influence of alcohol or illegal drugs,
- physical violence,
- bullying,
- gross insubordination.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

5. Appeals

An employee who wishes to appeal against any disciplinary decision must do so to the Chairman within five working days. The Council will appoint a panel of the remaining three Councillors to hear the appeal and decide the case as impartially as possible.

6. Abuse of this policy

Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

7. Alterations and amendments to this policy

This policy does not form part of an employee's contract of employment. The Council reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the Council.