DUNCHURCH PARISH COUNCIL & COMMUNITY LIBRARY
DISCIPLINARY POLICY

PURPOSE/PRINCIPLE	This disciplinary procedure is designed to help and encourage employees and volunteers to achieve and maintain acceptable standards of conduct and job performance
SCOPE	Staff and volunteers
DATE ADOPTED	
MINUTE REFERENCE	
PREVIOUS VERSIONS (DATES)	September 2022, September 2021, July 2020, March 2019, March 2017
NEXT REVIEW	October 2024

DUNCHURCH PARISH COUNCIL & COMMUNITY LIBRARY
Disciplinary Policy – reviewed & approved October 2022

1 INTRODUCTION

This disciplinary procedure is designed to help and encourage employees and volunteers to achieve and maintain acceptable standards of conduct and job performance, 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.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct or underperformance. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

1. Unsatisfactory time keeping.
2. Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
3. Failure to comply with rules and regulations applicable to job requirements.
4. Failure by an employee or volunteer to perform the duties and responsibilities of their post to the standard expected by the council.
5. Insubordination.

1.2 The following list provides examples of conduct that will normally be regarded by the council as Gross Misconduct. This list is not exhaustive. These are examples only:

1. Refusal or repeated failure by an employee or volunteer to carry out their duties.
2. Falsification of documents or information (including expense claims).
3. Unauthorised disclosure of confidential information.
4. Assaulting a fellow employee, volunteer or any other person whilst acting or purporting to act on behalf of the council.
5. Insulting, indecent or offensive behaviour towards a fellow employee, volunteer or any other person whilst acting or purporting to act on behalf of the council.
6. Serious or repeated harassment (including sexual and racial harassment).
7. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
8. Wilful damage to council property.
9. Theft, unauthorised use or possession of council property or theft of the property of a fellow employee or volunteer.
10. Conduct bringing the council into disrepute.

Any other conduct that from time to time is defined by the council as amounting to gross misconduct.

2 SCOPE

The procedure applies to all employees and volunteers of Dunchurch Parish Council.

3 INFORMAL ACTION

In cases of minor misconduct or underperformance managers will deal with matters informally by discussing the issues with the employee or volunteer and encouraging them to achieve the required standards. This will involve setting clearly defined objectives and/or standards, monitoring them over a reasonable time and providing training and appropriate support. Such actions are not part of a formal disciplinary process.

4 STANDARD COUNCIL DISCIPLINARY PROCEDURE

4.1 In the case of serious misconduct, or continued minor misconduct, or underperformance, the Council may deem it necessary to consider a formal disciplinary sanction. The following formal disciplinary procedure will be followed.

4.2 The Council will investigate any alleged misconduct or underperformance and will establish the facts surrounding the complaint as necessary, considering the statements of any available witnesses.

4.3 If an employee or volunteer is accused of any Gross Misconduct, they may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s) and the holding of a disciplinary hearing. During this time, the employee or volunteer should remain away from the workplace and should not contact colleagues or Councillors without prior permission. The Council may require the employee or volunteer to attend a meeting to investigate the circumstance of the alleged offence whilst suspended from work.

4.4 Following the investigation the Council will write to the employee or volunteer inviting them to attend a disciplinary hearing to discuss the matter. The Council will set out in writing the allegations of misconduct, under performance concerns, or other circumstances which lead the Council to contemplate taking disciplinary action against the employee or volunteer. The employee or volunteer will be warned if the disciplinary action might amount to dismissal.

4.5 The employee or volunteer will be provided with any relevant supporting evidence and a copy of this disciplinary policy. The letter will also advise the employee or volunteer of their right to be accompanied at the hearing by a workplace colleague or trade union official.

4.6 The employee or volunteer will be provided with a reasonable opportunity to consider his or her response to the information provided in the letter before attending the meeting. The employee or volunteer must take all reasonable steps to attend the meeting.

4.7 Disciplinary meetings will normally be convened within 5 working days of the Council sending the employee or volunteer the letter.

4.8 If the time or date proposed for the meeting is inconvenient (either for the employee or volunteer or for the employee or volunteer's companion should they wish to be accompanied to the meeting) the employee or volunteer may ask to postpone the meeting by up to 5 working days. If the employee or volunteer fail to attend on this second date then the hearing may proceed in their absence, or it may be postponed again should there be reasonable cause.

4.9 The employee or volunteer will have the opportunity to state their case at the disciplinary hearing. The Chairman of the meeting may adjourn the hearing to allow matters raised during the meeting to be investigated, the employee or volunteer will be informed of the period of any adjournment.

4.10 After the meeting the Council will inform the employee or volunteer of their decision and any applicable sanction in writing within 5 working days unless additional investigation is required.

4.11 If the employee or volunteer wishes to appeal against the decision, they must notify the Council in writing within 5 days of receiving written notice of the decision. The employee or volunteer should set out full grounds for appeal prior to the meeting.

4.12 If the employee or volunteer notifies the Council that they wish to appeal, the employee or volunteer will be invited to attend a disciplinary appeal meeting. The employee or volunteer must take all reasonable steps to attend that disciplinary appeal meeting. The employee or volunteer has the right to be accompanied to a disciplinary appeal meeting by a fellow employee, volunteer, companion or by a representative of a trade union.

4.13 A disciplinary appeal meeting will normally be convened within 7 working days of the Council receiving notification that the employee or volunteer wishes to appeal. If the meeting date is inconvenient for the employee or volunteer or the employee or volunteer's companion, they may ask to postpone the meeting by up to 5 working days.

4.14 At the meeting any new evidence that the employee or volunteer wishes to put forward will be considered together with any new evidence from the Council. The original disciplinary penalty will be reviewed but the sanction originally imposed will not be increased upon appeal. The meeting may be adjourned to allow matters raised during the meeting to be investigated

4.15 After the disciplinary appeal meeting the Council will inform the employee and volunteer of its final decision in writing within 5 working days

4.16 If the employee or volunteer's appeal is against dismissal and the appeal is successful the employee or volunteer will be reinstated, and continuity of employment will be preserved.

5 FORMAL DISCIPLINARY SANCTIONS FOLLOWING DISCIPLINARY HEARING

5.1 VERBAL WARNINGS

Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee or volunteer 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 employee or volunteer personnel file and a copy will be provided to the employee or volunteer. 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.

5.2 STAGE 1 - FIRST WRITTEN WARNING FOR MISCONDUCT

In the case of a serious offence or repetition of an earlier minor offence the employee or volunteer will normally be given a First Written Warning. A First Written Warning will be issued by the Chairman of Dunchurch Parish Council and will set out:

1. the nature of the offence and the improvement required (if appropriate) and over what period;
2. the likely consequences of any further offence or failure by the employee or volunteer to improve their conduct to an acceptable standard;
3. that further offences will result in more serious disciplinary action; and
4. the employee or volunteer's right of appeal.

A first Written Warning will normally remain in force for 6 months.

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

5.3 STAGE 1 - FIRST WRITTEN WARNING FOR UNSATISFACTORY PERFORMANCE

In the case of a problem of continued underperformance then the employee or volunteer will be given a first written warning of the need to improve performance. A first written warning will be issued by the Chairman of Dunchurch Parish Council and will set out:

1. The precise nature of the problem of performance and the improvement required and the timescale for improvement, together with review dates
2. The likely consequences of failure by the employee or volunteer to improve their performance to an acceptable standard
3. That failure to improve will result in more serious disciplinary action
4. The employee or volunteer's right of appeal

A first written warning of need to improve performance will normally remain in force for 6 months

5.4 STAGE 2 - FINAL WRITTEN WARNING
If performance does not improve, or if further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee or volunteer will be given a Final Written Warning following the disciplinary hearing. A Final Written Warning will be issued by the Chairman of Dunchurch Parish Council and will set out:

1. the nature of the offence and the improvement required (if appropriate) and over what period;
2. the likely consequences of any further offence or a failure by the employee or volunteer to improve his/her conduct to an acceptable standard;
3. that further offences will result in more serious disciplinary action up to and including dismissal; and
4. the employee or volunteer's right of appeal.

Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct but is sufficiently serious enough to warrant only one written warning.

A Final Written Warning will normally remain in force for 12 months.

5.5 STAGE 3 - DISMISSAL WITH NOTICE
If there is insufficient improvement after the period notified in stage 2 the employee or volunteer will be dismissed with the appropriate notice following the disciplinary hearing.
A letter will be sent to the employee and volunteer detailing the reasons for the dismissal, the date on which their employment will terminate and the arrangements for the notice period. The letter will detail the employee or volunteer's right of appeal.

6 GROSS MISCONDUCT (DISMISSAL WITHOUT NOTICE)
If the Council finds the employee or volunteer to be guilty of gross misconduct their employment will be terminated summarily without notice or pay in lieu of notice following the investigation and the disciplinary hearing.

A letter will be sent to the employee or volunteer by the Chairman of the Council following the dismissal detailing the reasons for the dismissal and the date on which the employment is terminated. The letter will inform the employee or volunteer of their right to appeal.

This document does not form part of the contract of employment.