



Nailsworth Town Council

Disciplinary Policy

1. Purpose and scope

The purpose of this disciplinary policy is to help and encourage all employees to achieve and maintain required standards of conduct. The disciplinary procedure provides a fair and consistent framework through which any issues with conduct and inappropriate behaviour can be addressed.

This policy applies to all paid staff.

Where an employee is still within the probationary period any issues of performance or conduct will be dealt with under the probationary period procedure.

2. Principles

This policy is designed to establish the facts quickly and to deal consistently with conduct issues.

No formal disciplinary action will be taken against an employee until the case has been fully investigated.

The employee will be advised of the nature of the complaint against them and will be given the opportunity to have their views fully and fairly considered at a disciplinary hearing before any sanction is imposed.

The employee will have the right to be accompanied all meetings under the formal disciplinary procedure. At the meeting the employee's companion has the right, if the employee wishes, to confer with the employee, to put forward the employee's case and to sum up the case.

The employee will have the right to appeal against any disciplinary action taken.

All records of meetings and evidence will be kept confidential and will be retained in line with the Data Protection Act 1998. Copies of any formal proceedings and sanctions will be kept on the employee's personnel file but will be disregarded for disciplinary purposes after 12 months unless otherwise notified.

In order to ensure a fair hearing in misconduct cases the stages of the procedure will, where practicable, be carried out by separate personnel. Therefore the person who carries out the investigation should normally be different from the person who convenes the disciplinary hearing. Any appeal will normally be heard by the Chair or another Councillor who has not been involved in the process at an earlier stage.



Nailsworth Town Council

Disciplinary Policy

3. Informal Action.

In cases of minor misconduct line managers should deal with matters informally by discussing the issues with the employee. This will involve outlining the nature of the concerns and setting clearly defined expected standards of conduct for the future. The manager will monitor and review progress with the employee over a reasonable time period and provide appropriate forms of support. Such actions are not part of the formal disciplinary process.

Where informal action of this kind is decided upon, the line manager will send a follow-up letter to the employee. The letter will explain that the informal action is not formal disciplinary action but that if the employee fails to improve the formal disciplinary procedure may be instigated.

If the required standards of conduct and behavior are met and consistently maintained no further action will be needed. Records of the informal action will be kept on the employee's personnel file for reference.

4. Formal disciplinary procedure

Investigation

Formal disciplinary action will only be taken after discussion and agreement with the Chair of the Personnel Committee who will oversee all disciplinary proceedings and who will appoint the investigating officer. In misconduct cases the investigator shall obtain a statement from any witnesses they consider to be relevant. In some situations this may involve an investigatory meeting with the employee, however this is not always necessary. If an investigation meeting is held, the employee will be informed at the outset that the interview is a formal investigatory interview.

After the investigation the Chair of the Personnel Committee will decide whether it is necessary to proceed with disciplinary action in which case the employee will be invited to a disciplinary hearing.

Suspension

In some cases the employee may be suspended on full pay until the investigation has been completed and a disciplinary hearing held. Suspension is not a disciplinary sanction in itself. During this time the employee should remain away from the Council's offices.

Disciplinary hearing

The Chair of the Personnel Committee will write to the employee specifying the allegations and inviting them to attend a disciplinary hearing. The employee will be provided with any relevant supporting evidence and a copy of the Disciplinary Policy. The letter will also advise the employee of their right to be accompanied at the hearing.



Nailsworth Town Council

Disciplinary Policy

The panel will consist of the Chair of the Personnel Committee and two other Councillors or one other Councillor and an Officer of the Council if appropriate.

Where practicable, the employee will be given at least 48 hours' notice of any disciplinary hearing. They must take all reasonable steps to attend. If the employee (or their companion) fails to attend the meeting or gives notice that they cannot attend through circumstances beyond their control, a new date will be set. If the employee fails to attend on a second occasion the hearing may proceed in their absence.

The employee will have the opportunity to state their case at the disciplinary hearing. Proceedings may be adjourned if it appears necessary to do so (for example to gather further information or to undertake further investigation).

Following the hearing, the panel will decide whether to impose a disciplinary sanction and the employee will be advised in writing of the outcome. Where practicable the letter will be sent to the employee within five working days of the hearing. The employee will have a right of appeal.

Appeal

If the employee wishes to appeal against any disciplinary sanction they must do so in writing to the Chair of the disciplinary panel within ten working days of notification of the decision. The employee should set out the full grounds for appeal.

The appeal will be heard by the Mayor or a delegated Councillor as long as they have had no prior involvement with the case.

Where practicable the appeal meeting will be convened within 15 working days. The employee has the right to be accompanied at the appeal meeting.

The decision will be final and the employee will be informed of the decision in writing within five working days of the appeal hearing.

5. Formal disciplinary sanctions

Stage 1 – First written warning for misconduct

Where informal action has not brought about the desired improvement in conduct, or if the employee's conduct is considered sufficiently serious, a written warning will be given following the disciplinary hearing. This will include details of the misconduct and a statement that, if there is insufficient improvement after a reasonable period of time, a final written warning may be given.



Nailsworth Town Council

Disciplinary Policy

Stage 2 – Final written warning

If the employee's conduct has not improved after the period notified in Stage 1 or the misconduct is considered by the disciplinary panel to be sufficiently serious, a final written warning will be given following the disciplinary hearing. The final warning will state that any further misconduct will result in dismissal.

Stage 3 – Dismissal (with notice)

If there is evidence of misconduct following Stage 2 the employee will be dismissed with the appropriate notice. A letter will be sent to the employee 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's right of appeal.

Gross misconduct – Dismissal (without notice)

If, following an investigation and a disciplinary hearing, it is confirmed that the employee's misconduct is deemed sufficiently serious to terminate their employment the normal consequence will be dismissal without notice. The following list provides examples of conduct deemed to fit the category of gross misconduct. This list is not exhaustive:

- theft
- damage to Council property
- fraud or any other act of dishonesty
- a serious breach of the equal opportunities policy
- incapacity for work due to being under the influence of alcohol or illegal drugs
- physical or verbal assault towards another employee or Councillor
- gross insubordination
- breach of confidentiality
- refusal to obey reasonable work request
- willful disregard of health and safety rules
- conduct outside or within the workplace which is likely to bring the Council into disrepute
- any deliberate acts of harassment or bullying or discrimination
- serious misuse of the Council's IT system
- conviction of a serious offence.

6. Probationary period

During the probationary period the disciplinary procedure does not apply.



Nailsworth Town Council

Disciplinary Policy

Policy Title:		Disciplinary Policy		
Version, Date and Change History:		Version 1.0	21.11.17	Approved policy minute 2017/138
		Version 2.0	19 th June 2018	Approved minute 2018/041
		Review Date	Sept 2019	
Author		Cllr Anne Elliott		