

Disciplinary Procedure

Treverbyn Parish Council is committed to ensuring discipline is maintained through employees observing proper standards of conduct and the rules and regulations of the Council. In the interests of the Council's affairs however it may be necessary to refer on occasion to a formal procedure for disciplinary action. The purpose of this procedure is to ensure the fair and consistent treatment of the person who becomes the subject of any disciplinary action.

This Disciplinary Procedure will not be invoked unless:

- (a) Previous informal advice or reprimands have proven ineffective.
- (b) The complaint is of a serious nature.
- (c) A number of minor complaints are made which together constitutes a serious breach of discipline.

Any disciplinary action taken will depend on the seriousness of the offence, past behaviour, consequences of the offence relating to the Council, any mitigating circumstances, any action taken in similar previous cases in the past and any other relevant circumstances having regard to the need for reasonableness and fairness on the part of the Council.

Examples of unsatisfactory work performance

Inadequate application of management instructions and/or office procedures, inadequate IT skills, unsatisfactory communication skills, unsatisfactory management of staff/contractors – the list is not exhaustive.

Examples of Misconduct

Unauthorised absence, poor timekeeping, misuse of Council's resources and facilities, inappropriate behaviour, refusal to follow reasonable instructions, breach of Health & Safety policy – the list is not exhaustive.

Examples of Gross Misconduct

Bullying, discrimination, harassment, incapacity to work because of alcohol or drugs, violent behaviour, fraud or theft, gross negligence, gross insubordination, serious breaches of Health & Safety policy, damage to property, misuse of internet or e-mail to access offensive material, disclosure of confidential information – the list is not exhaustive.

Informal Discussions

Before taking formal disciplinary action every effort should be made to resolve the matter by informal discussions. A note to be made of these discussions and kept on file for an agreed period of time of not more than one year. The formal disciplinary procedure should only be invoked where informal discussions fail to bring about a desired conclusion. When using the procedure it may be necessary to refer to the contents of agreed policy documents such as Grievance Procedure and Equal Opportunities Policy.

Statutory Disciplinary Procedure

The following three step procedure will be used to meet the statutory requirements in relation to disciplinary procedures:

- (i) A written statement to the employee setting out the reasons for the disciplinary action.
- (ii) A meeting to consider and discuss the allegation.
- (iii) A right of appeal including an appeal meeting.

Oral warning

An oral warning is issued for most instances of minor misconduct when the person will be notified by the Council:

- The reason for the warning, the improvement required (if appropriate) and the timescale.
- That further misconduct/failure to improve will result in more serious disciplinary action.
- That written evidence of the warning will be recorded on file for a period of 6 months.
- The right to appeal.

Written warning

If there is a repetition of earlier misconduct or for different or more serious misconduct will lead to a written warning setting out:

- The reason for the written warning, the improvement required (if appropriate) and the timescale for improvement.
- That further misconduct/ failure to improve will result in more serious disciplinary action.
- That written evidence will be recorded on file for a period of 12 months.
- The right to appeal.

Final written warning

If there is further misconduct during the period of the written warning or if the misconduct is sufficiently serious a final written warning will be issued setting out:

- The reason for the final warning, the improvement required if (appropriate) and the timescale for improvement.
- That further misconduct/ failure to improve will result in more serious disciplinary action up to and including dismissal.
- That written evidence of the final warning will be recorded on file and remain in force for 18 months.
- The right to appeal.

Disciplinary Hearings

Following an assessment of the case, a formal disciplinary hearing may be required. Formal authority is given to the Clerk and/or Chairman to decide whether to move to a formal disciplinary hearing.

The employee will be given at least 5 working days notice of the hearing date and will be notified in writing of the allegation against them, together with any specific details of their shortcomings. There is an entitlement to be accompanied by another suitable person i.e friend, work colleague or union representative.

The purpose of the hearing will be to examine the facts of the complaint and to hear any explanation offered.

Appeals

If at anytime in this procedure the person wishes to exercise the right of appeal they should inform the Clerk/ Chairman in writing within 10 working days of the date of the written notification of the decision under this procedure.

An Appeal panel comprising of three Councillors who have not been involved in the subject of the disciplinary proceedings and chaired by the Chairman unless previously involved. The Panel will consider the appeal within 20 working days of receipt of the written appeal. A formal response of the appeal should be issued within 5 days of the hearing.

This policy will be reviewed and amended as necessary based on good practice or evidence taken forward. It also is based on and complies with the 2015 ACAS Code of Practice. <http://www.acas.org.uk/index.aspx?articleid=2174> and the ACAs guide on discipline and grievances at work.

In accordance with the Freedom of Information Act 2000, this policy will be posted on the Parish Council's website and copies are available for inspection at the Parish Office, Rockhill Business Park, Higher Bugle, St Austell PL26 8RA. Alternative formats of this document in large print (A3 format) , larger font or record on tape as a talking book can be made available on request from the Parish Office or by telephoning 01726 851001 or e mail treverbynpcouncil@gmail.com.