

WEST DEAN PARISH COUNCIL

DISCIPLINARY POLICY AND PROCEDURE

1. The Policy

- 1.1 The aim of our disciplinary policy is to ensure that West Dean Parish Council's standard of conduct, attendance and job performance are met and to comply with the law. The policy and procedures set out below do not form part of your contract of employment and are not contractually binding upon you or the Council.
- 1.2 In circumstances where the Council's standards of conduct, attendance or job performance are not being met by an employee, consultation with the employee will take place to ensure that corrective action is taken.
- 1.3 If the matter is not resolved following consultation, disciplinary action will be taken to ensure that the Council's standards are met.
- 1.4 When disciplinary action is considered, the Council will ensure that the facts of the matter are investigated and established, that any disciplinary action is appropriate and consistent and that the employee concerned knows the reason for the proposed disciplinary action and the procedure for appealing against the proposed action. Investigative meetings do not form part of the disciplinary procedure.
- 1.5 Recording colleagues without their permission is likely to be unlawful data processing and therefore West Dean Parish Council has a policy that covert recordings are strictly prohibited. At the outset of any grievance, disciplinary, capability or redundancy meeting, telephone call or video call, employees (and any companions) will be asked to confirm that they will not record the meeting or call without permission.

2. Employees' Rights

- 2.1 At all stages of the procedure you, as an employee, have the following rights:
 - To be told of the complaint against you;
 - To state your case;
 - To be accompanied by a work colleague;
 - To be given the reason of any penalty imposed; and
 - To use the appeals procedure

3. Reasons for Disciplinary Action

- 3.1 This disciplinary procedure will be used in cases where the Council's standards of conduct, attendance or job performance have not been met, including but not limited to any of the following:
 - Failure to obey a reasonable request;
 - Failure to work to agreed procedures;
 - Unsatisfactory performance;
 - Unauthorised performance;
 - Unauthorised absence or unsatisfactory attendance;
 - Infringement of safety rules;
 - Abusive or insulting behaviour to colleagues

3.2 In relation to the matters set out above, the appropriate action will normally, in the first instance, be the warning procedure.

4. Gross Misconduct

4.1 Cases of gross misconduct, including but not limited to any of the following, may lead to summary dismissal without notice, depending on the nature and severity of the offence:

- Any form of dishonesty, including but not limited to, fraud, theft, concealment of information or deliberate falsification of records;
- Violence, the threat of violence or intimidation in the course of employment;
- Assault or indecency, or foul or abusive language;
- Deliberate damage to Council's property;
- Commission of any criminal offence that may affect your ability to do your job;
- Prolonged unauthorised or unexplained absence;
- Disclosure of confidential Council information to a third party;
- Breach of Council's policies relating to the use of computers, emails and internet access
- Possession of illegal substances
- Incapability through alcohol or being under the influence of illegal drugs
- Any harassment at work relating to protected characteristics as defined under the Equality Act 2010: gender, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, age or disability
- Serious breach of any of the Council's policies
- Any action likely to bring the Council into disrepute

5. Warning Procedure

5.1 The Council will initially endeavour to deal with minor matters informally. The formal procedure set out below will only be invoked once the informal approach has failed or the matter is considered more serious from the outset.

6. First Written Warning

6.1 If your conduct, attendance or performance is unsatisfactory, a written warning will be given. This will explain fully why your conduct, attendance or performance is considered unsatisfactory and the improvement required. This will be recorded on your personnel file.

6.2 The warning will set out the nature of the disciplinary breach, the improvement required and the timescale. You will be requested to sign and return a copy of the warning.

6.3 This warning will be placed on your personnel file. If there is no further reason for action on the matter(s) in question, this warning will be disregarded for disciplinary purposes after 12 months.

7. Final Written Warning

7.1 In circumstances where there has not been a sustained improvement in your conduct, attendance or performance, or for certain matters which are considered too serious for a first written warning, you will receive a final written warning.

7.2 The warning will set out the nature of the disciplinary breach, the improvement required and the timescale. You will be requested to sign and return a copy of the warning.

7.3 You will be advised that if there is no improvement , or if a further offence occurs, then further disciplinary action may be taken.

7.4 This warning will be placed on your personnel file. If there is no further reason for action on the matter(s) in question, this warning will be disregarded for disciplinary purposes after 18 months.

7.5 If your conduct, attendance or performance remain unsatisfactory in any respect or a further act of misconduct occurs, it may be decided that further disciplinary action is necessary. This may take the form of:

- Summary dismissal without notice; or
- Demotion and/or reduction in pay; or
- Disciplinary suspension without pay

7.6 You will be notified of the decision in writing.

7.7 Although provision is made for discipline by stages, the procedure may be implemented at any stage according to the seriousness of the alleged matter. There may be occasions where misconduct is considered to be so serious as to warrant only one written warning which will be, in effect, both first and final.

8. Reviews

8.1 You will be subject to regular reviews throughout the term of any disciplinary warning that may have been given, and if there is no sustained improvement further disciplinary action may be taken.

9. Appeal Procedure

9.1 If you disagree with any disciplinary decision you may appeal in writing stating the reason for the appeal and what you disagree with in the original decision. Any appeals must be submitted within 5 working days of the penalty.

9.2 There will usually be an appeal meeting within a reasonable period of the appeal being lodged. As at the disciplinary meeting you have the right to be accompanied by a work colleague.

9.3 The appeal will normally be heard by an appropriate person within 10 working days of the appeal being lodged. The appropriate person for an appeal will be a person who has not been involved in the investigation or decision making stages of the disciplinary process.

9.4 The outcome will either be to reject the appeal and confirm the original disciplinary action, or to uphold the appeal and reduce or revoke the original disciplinary action.

9.5 The result of the appeal will be communicated to all parties within 10 working days of the hearing of the appeal. The appeal person's decision will be final.

10. New Employees

10.1 During the probationary period of employment of a new employee, the full disciplinary procedure may not be appropriate. In this situation, there may be a single verbal/written warning prior to dismissal in circumstances where the Council's standards of conduct, attendance and job performance are not being met.

10.2 The appeals procedure does not apply to new employees.