

SOUTH LUFFENHAM PARISH COUNCIL

DISCIPLINARY POLICY

1/ Introduction

- a) This policy is based on and complies with the 2015 ACAS Code of Practice (<http://acas.org.uk/index.aspx?articleid=2174>) It is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally without starting the formal procedure set out below.
- b) The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- c) This policy confirms:
- i) the Council will fully investigate the facts of each case
 - ii) the Council recognises that misconduct and unsatisfactory performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see the ACAS publication "How to manage performance" at: www.acas.org.uk
 - iii) employees will be informed in writing about the nature of the nature of the complaint against them and given the opportunity to state their case
 - iv) employees may be accompanied or represented by a trade union representative or a companion (e.g. family member) at any disciplinary or investigatory meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
 - v) the council must give employees reasonable notice of any meeting in this procedure. The employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken.

An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.

- vi) if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date.
- vii) any changes to specified time limits in the council's procedure must be agreed by the employee and the council
- viii) information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process.
A record of the reason for disciplinary action and the action taken by the council is confidential to the employee. The employee's disciplinary records will be held by the council in accordance with the Data Protection Act 1998
- ix) recordings of the proceedings at all stages of the disciplinary procedure is recommended.
- x) employees have the right to appeal against any disciplinary action. The appeal decision is final
- xi) if an employee who is already subject to the council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- xii) disciplinary action taken by the council can include an oral warning, written warning, final written warning or dismissal.
- xiii) except for gross misconduct when an employee may be dismissed without notice, the council will not normally dismiss an employee on the first occasion that it decides there has been misconduct
- xvi) if an employee is suspended following allegations of misconduct, it will be on full pay and only for such a time as is necessary. Suspension is not a disciplinary sanction. The council will write to the employee to confirm any period of suspension and the reasons for it
- xv) the council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the council's and the employee's consent

2/ Examples of misconduct

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct.

- i) unauthorised absent
- ii) poor time keeping
- iii) misuse of the council's resources and facilities including telephone e-mail and internet
- iv) inappropriate behaviour
- v) refusal to follow reasonable instructions of the council
- vi) breach of health and safety rules

3/ Examples of gross misconduct

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct.

- i) bullying, discrimination and harassment
- ii) incapacity at work because of alcohol and drugs
- iii) violent behaviour
- iv) fraud or theft
- v) gross negligence
- vi) gross insubordination
- vii) serious breaches of health and safety rules
- viii) serious and deliberate damage to property
- ix) use of internet or email to access pornographic, obscene or offensive material
- x) disclosure of confidential information

4/ Examples of unsatisfactory work performance include

- i) inadequate application of office procedures
- ii) inadequate IT skills
- iii) unsatisfactory management of staff
- iv) unsatisfactory communication skills

The above is a shortened version of the policy. A full transcript of the policy was given to the Clerk (Employee) and is also held on file by the Parish Council.