

BRIZLINCOTE PARISH COUNCIL – DISCIPLINE PROCEDURE

1 Purpose

This procedure is designed to help both the parish council and employees to deal with disciplinary issues in a fair and consistent manner.

As a business our expectation is that all of our staff will behave in a manner which is consistent with good business practice and common sense. However, should disciplinary issues arise they will be handled in accordance with the provisions set out in this procedure.

This procedure applies to all employees irrespective of their length of service, status or number of hours worked.

This procedure is non-contractual in effect and does not form part of normal terms and conditions of employment. Branston Parish Council reserves the right to change the terms of this procedure from time to time and to introduce a replacement procedure as may be required.

2. Principles

In considering issues of discipline in accordance with the terms of this procedure, Branston Parish Council will ordinarily abide by the following principles:

- no disciplinary action will be taken in relation to an employee until the allegations have been properly investigated, and the employee concerned has been given an opportunity to state his or her response;
- employees will be advised in writing of the nature of the allegations that have been made against them and will be provided with copies of any evidence (such as witness statements) that is relevant in determining the allegations;
- action taken under this procedure will take place without unreasonable delay, and other than as required for the proper investigation and determination of allegations made, will be kept confidential;
- other than in simple cases where the disciplinary action consists of an informal oral warning the employee will be invited to a meeting to discuss the allegations that have been made against him or her;
- all representations made by an employee in a disciplinary hearing will be considered in good faith;
- at the start of any disciplinary hearing, the specific allegations raised against the employee will be explained, as will the evidence supporting such allegations;

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- employees may ask witnesses to attend any disciplinary hearing, and will be permitted to respond to any evidence raised by a witness.

It is Brizlincote Parish Council's policy that the following procedure should be followed when an employee is being disciplined or dismissed. The procedure provides that in normal cases an employee will be given a series of warnings before discipline or dismissal is contemplated.

Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- Sub standard performance
- Breach of health and safety procedures
- Poor time keeping
- Poor performance
- Misconduct

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a work colleague or representative to the meeting. The outcome of the meeting will be communicated to you.

Verbal Warning

If the infringement is more serious or there is no improvement in conduct after an informal oral warning you will be given a verbal warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a written warning may be given if there is no sustained satisfactory improvement or change. A copy of the verbal warning will be kept on file but will be disregarded for disciplinary purposes after a specified period (e.g. 6 months).

Written warning

If the infringement is more serious or there is no improvement in conduct after a verbal warning you will be given a formal written warning giving details of the complaint, the improvement or change in behavior required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after a specified period (e.g. 12 months).

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Final written warning

Where there is a failure to improve or change behaviour while a prior formal written warning is still in effect, or where the infringement is sufficiently serious, you may be given a final written warning. This will give details of the complaint, warn that failure to improve could lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a specified period (eg 12 months).

Dismissal

If your conduct or performance still fails to improve the final step will be to contemplate dismissal.

Step 1: We give you a written statement and call a meeting to discuss the matter

We will set out in writing your alleged conduct, characteristics or other circumstances which led us to contemplate dismissing or taking disciplinary action against you. We will also set out the basis on which we

have made the allegations against you. If possible, we will provide you with copies of any relevant evidence against you. We will invite you to a hearing to discuss the matter.

Step 2: Meeting is held and employer informs employee of the outcome

The meeting will take place before any disciplinary action, other than suspension on full pay, is taken. The meeting will be held without undue delay but only when you have had a reasonable opportunity to consider your response to our written statement and any further verbal explanation we may give. You must take all reasonable steps to attend the meeting.

After the meeting we will inform you of our decision and notify you of your right to appeal if you are not satisfied with the decision.

Step 3: Appeal against the disciplinary decision if necessary

If you wish to appeal you must inform the appeals committee in writing within a reasonable time.

If you do this, we will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting.

The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing we will inform you of our final decision and confirm it in writing as soon as practicable.

Gross misconduct

If, after investigation, it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious infringement of health and safety rules

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid.

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Suspension is not a disciplinary action and does not mean you are being pre-judged.

In most cases any decision to dismiss will be taken only after we have fully investigated the matter and we have invited you to a meeting to discuss it.

If you are dismissed, you retain the right to appeal against our decision.

General principles applicable to the procedures

The following principles apply to the dismissal procedure set out above:

The person who has authority to discipline you in accordance with this procedure is the personnel committee in the event of serious misconduct.

You have the right to be accompanied to any meeting by a co-worker/a representative. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.

Meetings will be conducted in a manner that enables both us and you to explain their cases.

We will keep records detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defense or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. We will keep these records confidential.

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CONFIDENTIAL INVESTIGATION REPORT – POSSIBLE DISCIPLINARY ACTION
Employee:
Date investigation started:
Date finished:
Name of investigator:
Details of the possible misconduct:
Details of the investigation conducted (people interviewed, documents reviewed)
Key findings of fact:

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Signature of investigator:

Date

Recommended action:

Outcome of recommended action:

Date: