

Great Tey Parish Council

Disciplinary Policy and Procedure

1. Introduction:

This policy sets out Great Tey Parish Council's approach to managing issues relating to employee conduct, attendance, and performance.

The policy is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures (2015) and relevant employment legislation, including the Equality Act 2010.

The purpose of this policy is to:

- Encourage high standards of conduct and performance
- Ensure employees are treated fairly and consistently
- Resolve concerns informally wherever possible
- Provide a clear and fair formal disciplinary process when required

This policy does not form part of any employee's contract of employment and may be amended by the Council at any time.

2. General Principles:

The Council will:

- Deal with disciplinary matters fairly, promptly, and consistently
- Investigate concerns thoroughly before decisions are made
- Consider informal action before formal disciplinary action where appropriate
- Inform employees in writing of any allegations against them
- Give employees the opportunity to respond to allegations
- Provide relevant evidence before any disciplinary hearing
- Allow employees to be accompanied at investigatory, disciplinary, and appeal meetings by:
 - a workplace colleague
 - a trade union representative
 - a trade union official
- Give reasonable notice of meetings
- Treat disciplinary matters confidentially in accordance with UK GDPR
- Allow employees the right to appeal against disciplinary decisions

The Council recognises that misconduct and poor performance are separate issues. Performance concerns will normally be managed through supervision and performance management procedures before disciplinary action is considered.

Audio or video recordings of meetings are not permitted unless agreed as a reasonable adjustment.

3. Informal Action:

Minor concerns about conduct, attendance, or performance will usually be addressed informally in the first instance.

Managers should:

- Discuss concerns with the employee
- Explain the required improvements

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- Offer support or guidance where appropriate
- Keep a brief written record of the discussion

Informal action is not part of the formal disciplinary procedure.

If concerns continue or become more serious, the matter may progress to the formal procedure.

4. Misconduct:

Misconduct is behaviour that may result in disciplinary action.

Examples include:

- Unauthorised absence
- Poor timekeeping
- Misuse of Council property, email, internet, or IT systems
- Inappropriate behaviour
- Failure to follow reasonable instructions
- Breaches of health and safety procedures

This list is not exhaustive.

5. Gross Misconduct:

Gross misconduct is serious misconduct that may justify dismissal without notice.

Examples include:

- Bullying, discrimination, harassment, or victimisation
- Violence or threatening behaviour
- Theft, fraud, or dishonesty
- Gross negligence
- Serious insubordination
- Serious breaches of Council policies
- Deliberate damage to property
- Misuse of confidential information
- Accessing offensive or inappropriate material using Council systems
- Being under the influence of alcohol or drugs at work

This list is not exhaustive.

6. Unsatisfactory Work Performance:

Examples of unsatisfactory performance include:

- Failure to follow procedures or instructions
- Poor communication
- Inadequate IT skills required for the role
- Poor supervision or management of staff

Where appropriate, performance concerns will first be managed through support, supervision, and performance management processes.

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7. Suspension:

The Council may suspend an employee on full pay while allegations of serious misconduct or gross misconduct are investigated.

Suspension:

- Is a neutral act
- Is not disciplinary action
- Will only be used where necessary
- Will be confirmed in writing

During suspension, the employee must:

- Remain available during normal working hours
- Not attend Council premises unless authorised
- Not contact witnesses or anyone involved in the investigation
- Not access Council systems or documents unless authorised

The Council will provide access to information needed for the employee to respond to allegations.

8. The Formal Disciplinary Procedure:

Stage 1 – Preliminary Enquiries:

The Council may carry out initial enquiries to establish basic facts and determine whether a formal investigation is required.

Stage 2 – Formal Investigation:

Where necessary, the Staffing Committee will appoint an independent Investigating Officer.

The Investigating Officer will:

- Gather evidence and witness statements
- Meet relevant individuals
- Establish the facts
- Produce a written report, normally within 35 calendar days where possible

The employee will:

- Receive written details of the allegations
- Be invited to an investigatory meeting if required
- Have the right to be accompanied

At the end of the investigation, the Investigating Officer may recommend:

- No further action
- Informal resolution
- A formal disciplinary hearing

The Investigating Officer has no authority to impose disciplinary sanctions.

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Stage 3 – Disciplinary Hearing:

If there is a case to answer, the Staffing Committee will appoint a panel of three impartial councillors to hear the matter. The Investigating Officer will not be part of the panel.

The employee will receive written notice of the hearing including:

- Details of the allegations
- Copies of relevant evidence
- Date, time, and location of the hearing
- Names of panel members
- Confirmation of the right to be accompanied

At the hearing:

- The allegations will be explained
- Evidence may be presented
- Witnesses may be called
- The employee will have the opportunity to respond fully

The panel may adjourn the hearing if further investigation is needed.

The decision will normally be confirmed in writing within seven calendar days.

9. Disciplinary Sanctions:

First Written Warning:

A first written warning may be issued where conduct or performance falls below acceptable standards.

The warning will include:

- The nature of the concern
- Required improvements
- Timescales for improvement
- The consequences of further misconduct
- The right of appeal
- The period the warning will remain active (normally up to 12 months)

Final Written Warning:

A final written warning may be issued:

- Where misconduct is serious
- Where there is further misconduct during an existing warning period
- Where performance has not improved sufficiently

The warning will confirm:

- The reason for the warning

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- Required improvements
- Timescales
- Possible consequences of further misconduct, including dismissal
- The right of appeal
- The duration of the warning (normally up to 12 months)

Dismissal:

The Council may dismiss an employee:

- For gross misconduct
- Where there is insufficient improvement following a final written warning
- Where further misconduct occurs during an active final written warning

Any dismissal will be confirmed in writing with:

- Reasons for dismissal
- Date employment ends
- Notice arrangements (unless gross misconduct applies)
- Details of the right to appeal

10. Appeals:

Employees have the right to appeal against any disciplinary sanction.

Appeals must:

- Be submitted in writing within seven calendar days of receiving the disciplinary outcome
- Clearly state the grounds for appeal

Grounds for appeal may include:

- Procedural errors
- Insufficient evidence
- Excessive sanction
- New evidence becoming available

Where possible, appeals will be heard by three councillors not previously involved in the matter.

The employee will receive written notice of the appeal hearing and may be accompanied.

Following the appeal, the panel may:

- Uphold the original decision
- Reduce the sanction
- Remove the sanction
- Order that the matter be reheard

The appeal decision is final.

If dismissal is overturned, continuity of employment and pay will be restored.

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11. Confidentiality and Records:

All disciplinary matters will be handled confidentially.

Records will be retained in accordance with:

- UK GDPR
- The Council's retention policies

Only those directly involved in the process will have access to disciplinary information.

12. Mediation:

The Council may consider mediation at any stage where appropriate, particularly where there are communication issues or relationship breakdowns.

Mediation will only take place with the agreement of all parties involved.

13. Policy Review:

This policy will be reviewed regularly to ensure compliance with employment law, ACAS guidance, and best practice.