



# Starston Parish Council

Parish Clerk: Libby Alexander, Bush Green Farm Cottage, Pulham Market, IP21 4YB  
Tel: 07943 279946; Email: starstonparishcouncil@yahoo.co.uk

## **Disciplinary Policy**

### **1. INTRODUCTION**

- 1.1. This procedure aims to set out an equitable and easily understood way of dealing with disciplinary matters by Starston Parish Council (the Council). Its primary object is to provide fair and consistent treatment and to help and encourage individuals to improve when necessary. It is the Council's intention, whenever possible, to deal with disciplinary issues in an informal way and so shall only have recourse to this procedure for serious matters or when informal measures have not had the required result.
- 1.2. This procedure applies to all employees.
- 1.2. Any action up to an informal oral warning shall not be placed on the employee's record.
- 1.3. This procedure does not form part of any contract of employment.
- 1.4. The Council recognises the ACAS Code of Practice on Disciplinary and Grievance Procedures and shall throughout be guided by the principles laid down within the Code.

### **2. LEVELS OF RESPONSIBILITY**

- 2.1. All formal and informal disciplinary action shall be the responsibility of the Council, who alone shall have the authority to dismiss.
- 2.2. The Chair of the Council shall arrange for disciplinary investigations and interviews to take place. These shall be undertaken by a Panel appointed by, but not including, the Chair.

### **3. THE PROCEDURE**

- 3.1. There are two forms of disciplinary offence: General Misconduct (including matters of capability), which will normally require at least one formal warning before dismissal, and Gross Misconduct, where an employee may be dismissed summarily.



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## **4. GENERAL MISCONDUCT**

4.1. General Misconduct will normally be dealt with by a staged procedure, which will end in dismissal if there is no improvement or if there are continuing offences. Examples of such misconduct (which are not exhaustive) include:

- poor timekeeping;
- absenteeism and unauthorised absence;
- minor insubordination;
- poor work performance;
- minor breaches of Council or health and safety or other procedures;
- poor quality work;
- poor attitude;
- lack of capability;
- deliberate inflexibility.

4.2. Stage 1.

In the event of General Misconduct which has already been the subject of an informal warning, or which is serious enough to warrant the informal procedure being bypassed, then the Council shall appoint a Panel (which shall exclude the Chair of the Council) to undertake the disciplinary interview. If, after that interview, the Panel holds a reasonable belief that the misconduct has taken place then they shall issue a Formal Written Warning. This warning shall be placed on the employee's file and shall remain current for six months.

4.3. Stage 2.

If, within an agreed timeframe, there is no improvement in performance, or another incident of General Misconduct takes place, then the Council shall appoint a Panel (which shall exclude the Chair of the Council) to undertake a disciplinary interview. If, after that interview, the Panel holds a reasonable belief that the misconduct has taken place, then it shall issue a Final Written Warning. This warning shall be placed on the employee's file and shall remain current for twelve months.

4.4. Stage 3.

If, within an agreed timeframe, there is no improvement in performance or if another incident of General Misconduct takes place, then the Council shall appoint a Panel (which shall exclude the Chair of the Council) to undertake a disciplinary interview. If, after the interview, the Panel holds a reasonable belief that the misconduct has taken place then the individual shall be subject to dismissal with contractual notice.



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## **5. GROSS MISCONDUCT**

5.1. Gross Misconduct is defined as such activity which goes to the root of the contract and is so serious that the Council will have the right to dismiss summarily and without notice. Examples of Gross Misconduct (which are not exhaustive) include;

- theft or fraud of Council or employee's property;
- fighting or violence on Council property;
- being under the influence of alcohol or drugs at work;
- gross insubordination/refusal to obey a legitimate instruction;
- serious breaches of Council or health and safety procedures;
- deliberate damage to Council property;
- unauthorised acceptance of gifts;
- any other breaches of the bond of mutual trust and confidence.

5.1. Where the Council believes that Gross Misconduct has been committed, the Council shall appoint a Panel (which shall exclude the Chair of the Council) to undertake a disciplinary interview and if, after the interview, the panel holds a reasonable belief that Gross Misconduct has taken place, then the employee shall be dismissed summarily with no entitlement to notice.

5.2. Although the penalty for Gross Misconduct will almost invariably be that of summary dismissal, the Panel may, if it feels that there are valid mitigating factors, substitute a lesser penalty of a Final Written Warning.

## **6. DISCIPLINARY INTERVIEWS**

6.1. Where the Council arranges a disciplinary interview, the Panel shall first write to the employee inviting them to the interview and providing them with written details of the allegations made against them and of their right to be accompanied by a work colleague or a representative of a trade union of which they are a member. Such notification shall give the employee sufficient time to arrange representation if he/she wishes and to think about the matter. So far as is possible, the Panel shall give all its evidence to the employee at this stage.

6.2. At the interview, the Panel shall be prepared to discuss the evidence; the employee or their companion shall have reasonable opportunity to examine and question it, and shall be given every opportunity to state their case. The Panel will take proper account of the employee's arguments, their record and any other relevant factors.

6.3. No action shall be taken against the employee until the Panel is certain at the meeting that the employee has had every opportunity to answer the allegations. If, following that, the Panel has a reasonable belief that the employee has



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committed the misconduct then the Panel shall advise him/her of the action to be taken against them, the reason for that action, what steps are necessary to prevent further disciplinary action being taken (this does apply to dismissals), any review period for achieving an appropriate standard, the consequences of failing to achieve the required standard and of the right of appeal. This shall all be confirmed in writing and a copy given to the employee.

## **7. APPEALS**

- 7.1. Appeals against any formal disciplinary action shall be in writing, and shall be addressed to the Chair of the Council, within 5 working days of the employee receiving written confirmation of the disciplinary action. Full reasons for the basis of the appeal must be given.
- 7.2. The Council shall appoint a Panel to hear the appeal, which shall usually include the Chair of the Council, but excluding members of the Council who were directly involved with the disciplinary matter. The appeal meeting shall follow the principles outlined for disciplinary interviews. The decision and findings of the appeal Panel shall be confirmed in writing and shall be final.

## **8. GENERAL NOTES**

- 8.1. Incidents of General Misconduct need not necessarily be of the same nature to allow progression through the disciplinary procedure.
- 8.2. For matters of General Misconduct, the Council may, dependant on the seriousness of the misconduct, apply a disciplinary sanction at any level of the procedure, other than dismissal, for a first offence.
- 8.3. No disciplinary action shall be implemented until the matter has been fully investigated and the employee has been advised of the detail of the allegations. If the Council feels an employee's absence from work is necessary to allow for a proper investigation of any allegations of misconduct, or for any other related reason, the employee may be subject to a suspension, with pay, prior to any disciplinary hearing. If, during the hearing, the employee raises issues that need to be fully investigated then a paid suspension may be applied to allow that investigation to take place. Whilst suspended, the employee will not have access to Council property.
- 8.4. In the event of a dismissal, the effective date of termination shall be the date on which the employee is advised of his/her dismissal or, if notice is given, upon the expiry of that notice. In the event of an appeal rescinding the decision to dismiss, then the employment shall be reinstated with effect from the date of dismissal.



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**This Disciplinary Policy was approved at a meeting of Starston Parish Council**

**On 16<sup>th</sup> May 2022**

**Signed**

**Position on the Council- Chair**

**Date of next review – May 2025**