



Eton Town Council

Disciplinary Policy and Procedure

1. Policy

The Council aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct in the Council. This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and timekeeping. This procedure sets out the action that may be taken when disciplinary rules are breached.

Matters which may be dealt with under this policy include discipline and dismissal for the following reasons (please note that this list is not exhaustive):

- Misconduct
- Harassment, bullying or victimisation
- Misuse of council facilities, including computer facilities (e.g. email and internet)
- Poor timekeeping
- Unauthorised absence

2. Principles

- Informal action will be offered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing has taken place.
- For formal action the employee will be advised in writing of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of meetings.
- At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- Any mitigating circumstances will be taken into account when reaching decisions on appropriate disciplinary penalties.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any discipline imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

3. Procedure

Informal stage

Minor faults will be dealt with informally. Where the matter is more serious or an informal conversation has not achieved the desired improvement, the following procedure will be used:

3.1 Stage 1

The employee is invited to attend a disciplinary meeting. This should normally give a minimum of two working days' notice. They should be advised that they have the right to be accompanied by a colleague or trade union representative if they wish.

The line manager should set out the reasons for the meeting supported by evidence of breaches or witness statements. The employee has a right to see the witness statements but witness names may be removed to maintain anonymity.

The employee has the right to reply and give any mitigating circumstances or evidence to support their position.

The line manager must then consider what action to take (if any) based on the evidence. This could be a simple 'note to file' which highlights the issue discussed and the censure applied. This could be held on file for six months as an informal warning. Further breaches of the same issue could then escalate to further warnings being issued. If the breach is more serious and requires more than a 'rap on the knuckles' a verbal warning can be issued. This can be held on file for six (or twelve) months and is the first formal warning stage.

The employee will be told what acceptable behaviour is to prevent further action being taken and they will be informed of their right to appeal.

Stage Two

If after a verbal warning or for more serious breaches of conduct, an employee has breached the councils standards or behaved inappropriately then a further disciplinary hearing may be called. The standards for these meetings are set out in stage one.

The line manager conducting the disciplinary meeting must set out the reasons for the meeting supported by evidence or witness statements as in stage one. The employee has a right to reply with any supporting evidence in mitigation if they wish.

The line manager must then consider the evidence including the employee response before reaching a decision. The decision will be in writing and set out the nature of the misconduct, the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.

A first written warning is valid for 12 months and will be held on the employee's file for this time after which it will be disregarded for disciplinary action.

3.2 Final written warning

If the offence is sufficiently serious, or if there is further misconduct or failure to improve to the prescribed standard during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will advise of the right of appeal. A final written warning is valid for 12 months from the date of issue and a copy of the written warning will be kept on file but be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance. In exceptional cases the period may be longer.

3.3 Dismissal or other sanction

If there is still further misconduct or failure to improve to the prescribed standards the final step in the procedure may be dismissal or some other action short of dismissal such as demotion, disciplinary suspension or transfer (as allowed in the contract of employment). The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which his or her employment will terminate (in accordance with the employee's notice entitlement), and will be notified of his or her right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal.

3.4 Gross misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of trust and confidence.

This list is indicative but not exhaustive and gives an indication of the types of offence that may be considered gross misconduct.

If the employee is accused of gross misconduct, the Council may suspend him or her from work with pay while it investigates the alleged offence. This will be as brief as possible, normally for no more than five working days, and the Council will explain its reasons in writing. The employee shall not attend his or her place of work during suspension, other than for the purpose of attending disciplinary proceedings, including investigatory interviews. The employee shall not contact any other employees or contacts of the Council, except the employee's companion, without the Council's consent.

If, on completion of the investigation and the full disciplinary procedure, the Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal, i.e. dismissal without notice or pay in lieu of notice.

3.5 Disciplinary investigations

The Council is committed to ensuring that all potential infringements of disciplinary rules are fully investigated. This may entail carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. It may also involve a search of the employee's person and/or property. The investigation report will be made available to all the parties concerned. The identity of witnesses will be kept confidential where necessary.

Where an employee is called to attend an investigatory interview, it will be made clear that this is not a disciplinary hearing.

3.6 Disciplinary hearing

An employee will be invited, in writing, to a disciplinary hearing once the investigations are complete. Prior to the meeting, the employee will be informed of the nature of the allegations that are to be addressed. The disciplinary hearing will be conducted by members of the Council's Disciplinary Panel. The Disciplinary Panel will be constituted of three councillors appointed by the Mayor for that particular purpose and sit as a committee according to the Council's Standing Orders.

3.7 Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days in writing to the Mayor or his Deputy stating the ground(s) on which the disciplinary penalty should be reviewed. In such case the Mayor will appoint an Appeals Panel constituted of three councillors appointed by the Mayor for that particular purpose and it will sit as a committee according to the Council's Standing Orders. Members of the Appeals Panel will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

The appeals hearing will be normally held within 10 working days of receipt of the letter. The decision of the Appeals Panel shall be final.

3.8 Appeals hearing

At the appeals hearing, the employee will be given opportunity to state the ground(s) on which the appeal is made. The Disciplinary Panel who took the original decision will then have the opportunity to explain their decision to impose the given penalty. The members of the Appeals Panel conducting the appeal may exercise discretion as to whether or not the two parties will be present together during the proceedings. The hearing will be adjourned when all the evidence has been heard. The members of the Appeals Panel conducting the appeal will consider the merits of the appeal, in private, before reaching a decision.

The members of the Appeals Panel will, whenever possible, verbally inform the employee of the decision reached and confirm this in writing no later than five working days after the hearing.

The members of the Appeals Panel has the authority to quash or reduce a disciplinary penalty or, in exceptional and appropriate circumstances, to increase it, in accordance with the penalties specified in the Council's disciplinary procedure.

An appeal hearing is intended to focus on specific factors that the employee feels have received insufficient consideration, such as:

- an inconsistent/inappropriately harsh penalty
- extenuating circumstances
- bias of the disciplining manager
- unfairness of the hearing
- new evidence subsequently coming to light.

Where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed.

Notes

1. Employees will receive a written invitation to all disciplinary meetings
2. Outcomes of formal meetings will be confirmed to the employee in writing.
3. The timescales listed above will be adhered to wherever possible. Each party can request an extension of the permitted timescale, however, where there are good reasons.
4. The Council reserves the right to seek assistance from external mediators at any stage in the disciplinary procedure, in the interests of seeking a satisfactory outcome for all those concerned.
5. The grievance procedure should not be used for appeals against disciplinary decisions. That is the purpose of the disciplinary appeals procedure. If, however, the employee has a complaint against the behaviour of a manager during the course of a disciplinary case, they may raise it as a grievance with a senior manager. If necessary, the disciplinary procedure may be suspended for a short period until the grievance can be considered. Another manager may be brought in to deal with the disciplinary case.

4.1 Abuse of this policy

Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

4.2 Alterations and amendments to this policy

This policy does not form part of an employee's contract of employment. The Council reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the council.

Additional information

For further information, please contact The Mayor.

Amendment Record

Version 1: Initial Issue