



MARCHWOOD PARISH COUNCIL

DISCIPLINARY POLICY

1. Purpose and scope

- 1.1 This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all in the Council.

2. Principles

- 2.1 Informal action will be considered, where appropriate, to resolve problems.
- 2.2 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 2.3 For formal action the employee will be advised 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 at a disciplinary meeting.
- 2.4 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- 2.5 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or colleague.
- 2.6 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.
- 2.7 An employee will have the right to appeal against disciplinary action.
- 2.8 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3. The procedure

First stage of formal procedure

This will normally be either:

- 3.1 An improvement notice for unsatisfactory performance if performance does not meet acceptable standards.

This will set out performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that this constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 12 months, but will then be considered spent, subject to achieving and sustaining satisfactory performance.

Or

- 3.2 A first warning for misconduct if conduct does not meet acceptable standards.

This will be in writing and set out the nature of the misconduct and 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 record of the warning will be disregarded for disciplinary purposes after a specified period eg, 12 months.

4. Final written warning

- 4.1 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance 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 improvements 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 refer to the right of appeal.

A copy of this written warning will be kept by the Clerk but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

5. Dismissal or other sanction

- 5.1 If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension.

Dismissal decisions can only be taken by the Clerk, and the employee will be provided in writing with the reasons for the dismissal, the date on which the employment will be terminated and the 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.

A copy of the written warning will be kept by the Clerk but will be disregarded for disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

6. Misconduct

6.1 The following are examples of conduct that the council regards as misconduct. It is the rule of your employment that you will not commit acts of misconduct as set out below or of a similar nature:

- Bad time keeping.
- Unauthorised absence.
- Minor damage to property.
- Minor breach of rules.
- Failure to observe procedures.
- Rudeness to clients or colleagues.
- Abusive behaviour.
- Unsatisfactory attendance.
- Unsatisfactory sickness record.
- Careless loss or damage of tools or equipment.
- Unauthorised use of telephones.
- Failure to wear protective clothing provided for your safety.
- Unfitting behaviour.
- Failure to carry out lawful instructions.
- Unauthorised use of access to the internet.
- Any form of unlawful discrimination.
- Bringing the Council into disrepute.

7. Gross misconduct

7.1 The following are some examples of conduct that may be considered to amount to gross misconduct.

- Failure to maintain the accounting standards required by the External Auditor.
- Deliberate falsification of any records, including timesheets, absence records etc, in respect of yourself or a fellow employee.
- Serious breaches of the Health & Safety rules which endanger the lives of any other person.

- Intoxication, either caused by alcohol or drugs, dangerous behaviour, fighting or physical assault.
- The theft of money or property, whether this belongs to us, a fellow employee, or any third party.
- Gross insubordination and/or the refusal to carry out legitimate instructions given by a supervisor or manager.
- Any use of work computers equipment for the purpose of accessing pornographic or other indecent material via the internet.
- The destruction, damage or sabotage of property.
- Any breach of legislation which directly affects your ability to carry out your duties and/or the expected standards of a person working in the public service.
- Any act of dishonesty.

7.2 If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days while the alleged offense is investigated. If, on completion of the investigation and the full disciplinary procedure the council is satisfied that gross misconducted has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

8. Appeals

8.1 An employee who wishes to appeal against a disciplinary decision must do so within five working days. The Staffing Panel will hear the appeal and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

Approved and adopted 23rd February 2015.