

PADDOCK WOOD TOWN COUNCIL

DISCIPLINARY PROCEDURE

1. **THE PROCEDURE**

This Procedure is to be followed when any officer's work, conduct, failures or omission warrant formal disciplinary action. It shall apply to all staff.

The expression manager used in this procedure means the officer immediately responsible for and therefore senior to an employee

2. **PURPOSE**

The purpose of the procedure is to set down the rules and steps that will be followed to provide order and ensure fairness of treatment of staff where formal disciplinary action needs to be taken. This procedure shall not be used as a substitute for the normal day to day counselling and guidance a manager should undertake as part of his role. It has been designed so that disciplinary matters can be dealt with speedily and efficiently with the prime aim of correcting rather than punishing.

3. **TRADE UNION OFFICIALS**

No disciplinary action beyond an oral warning will be taken against an accredited trade union representative until the case has been discussed by the Personnel Committee Chairman (or in his absence his representative) with the full time officer of the trade union. Such discussions may take place in person or by telephone.

4. **STAGES IN THE PROCEDURE**

There are three levels of warning that can be issued to an employee:-

- (a) an initial warning which will normally be issued for minor matters and will normally remain live for 6 months.
- (b) a severe warning which will be appropriate for more serious matters or where there has been a repetition or continuation of an offence for which a first warning was issued (and remains live) and which will itself normally remain live for 12 months.
- (c) A final warning where there has been a serious breach of discipline or where there has been a repetition or continuation of an offence for which a second warning was issued (and remains live) and which will itself normally remain live for 18 months.

The Town Clerk following consideration of all the facts of the case and the evidence presented will take the decision on which level of formal warning is appropriate.

5. **DISMISSAL (with notice)**

For a further offence after a final warning has been issued, the employee may be dismissed with notice or payment in lieu of notice. The decision to dismiss will be taken following a disciplinary meeting by the Town Clerk (or in his/her absence his/her deputy) in consultation with the Chairman of the Council (or in his/her absence his/her representative).

An employee may also be dismissed with notice or payment in lieu of notice but without previous warnings in situations where the issue of previous warnings or summary dismissal is inappropriate. This can include situations where, for example, an employee has been banned from driving and holding a current driving licence is required to undertake the duties of the post. This sanction will not be imposed automatically without full investigation and consideration of all the facts and available options. A decision to dismiss with notice or payment in lieu of notice will be taken following a disciplinary interview conducted by the Town Clerk in consultation with the Chairman of the Personnel Committee. The interview will be conducted as detailed in paragraph 13 below.

6. SUMMARY DISMISSAL

In cases of gross misconduct an employee may be summarily dismissed from employment. Summary dismissal is dismissal without previous warnings and without notice. It will be used only where there has been a severe breach of discipline and where it would be inappropriate for the employee to be allowed to remain in employment with the Council. Contained within the attached document entitled Disciplinary Rules are examples of what is considered to be gross misconduct and will warrant summary dismissal. The list is illustrative only and not exhaustive.

Where there has been an allegation of gross misconduct it will be appropriate for the employee to be suspended from duty (on full pay) as outline below, whilst an investigation is carried out. A disciplinary meeting will be arranged as detailed below for the facts to be considered before any sanction is imposed.

7. OFFENCES COMMITTED OR BEHAVIOUR OUTSIDE WORK

An employee will not be dismissed or otherwise disciplined merely because he has been charged with or convicted of criminal offence not part of his employment with the Council. The question which shall be addressed in such cases is whether the employees conduct warrants action because of its employment implications.

In all such cases the Town Clerk (or in his/her absence his/her deputy) shall investigate the facts as far as possible, and in consultation with the Chairman of the Council (or in his absence his/her representative) come to a view about them and consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure.

Employees dismissed from employment for offences committed outside normal working hours will normally be with notice or payment in lieu of notice.

8. DESIGNATED OFFICER

The appropriate officer with authority to issue a warning under this procedure will be the manager of the employee who is being disciplined. Therefore an initial warning will be issued by the first line manager and wherever possible, a severe warning will be issued by his manager. The final warning, wherever possible will be issued by the next higher manager. It is accepted that it may not always be possible for this approach to be adopted and that in certain circumstances the same officer may issue the initial, severe and final warnings.

In the unavoidable absence of any employee's Designated Officer, the next high manager of that Service shall act down. Where, during a disciplinary meeting it becomes apparent to the Designated Officer conducting the interview that an appropriate penalty is warranted above the Designated Officer's limits of authority the employee shall be notified to this effect and the matter referred to the next higher manager for consideration.

Where, and without pre-judgement of the outcome, it is apparent that an allegation against an employee could result in the issue of a severe or final warning the manager with the authority to issue such a warning may conduct the initial interview.

9. POWERS OF DISMISSAL

Staff may be dismissed only by the Town Clerk (or in his/her absence his/her deputy) who will discuss the case with the Chairman of the Council (or in his/her absence his/her representative) before any decision is taken to dismiss the employee.

10. INVESTIGATION OF OFFENCES

No action under this procedure apart from suspension on full pay, if appropriate, will be taken against an employee until an investigation has been carried out to ascertain, as far as is practicable, the facts of the case. This may include where appropriate, the collection of written statements and the examination of any relevant records or other evidence.

11. INFORMAL

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by members of the Staffing (or similar) committee and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used:

12. FORMAL WARNINGS

When an employee's work, conduct or omissions warrants formal investigation and consideration, the Designated Officer shall write to the employee a letter containing the information outlines in section 1 of the attached management guidelines.

The employee shall be given two copies of the letter and one copy shall be sent to the Chairman of the Personnel Committee.

13. THE DISCIPLINARY MEETING

The interview shall be conducted by the Designated Officer and will be accompanied by the Personnel Manager (or his/her representative) and will follow the stages outlined in section 2 of the attached management guidelines.

14. RIGHTS OF REPRESENTATION

An employee shall have the right to be represented at a disciplinary interview by a member of a recognised independent trade union or a work place based colleague.

15. WRITTEN CONFIRMATION

The Designated Officer shall confirm the outcome of the meeting and the decision reached within three working days to the employee by letter, which will include the information, contained in section 3 of the attached management guidelines.

Two copies of the letter will be sent to the employee who shall sign one copy to the effect that he/she acknowledges receipt of the letter. This copy shall be returned to the Town Clerk and placed on the employee's personal file for the duration appropriate to the level of warning issued.

Where there is no repetition of the offence that resulted in the warning being issued, the copy of the letter will be removed from the employee's personal file and handed back to him/her. An expunged warning will not be taken into consideration in any further disciplinary matters except where the employee is a persistent offender as outline in paragraph 4.

16. SUSPENSION FROM DUTY

It may be necessary for an employee to be suspended from duty where his/her continuing presence may impede an investigation or where it is thought the employee may interfere with witnesses before a disciplinary interview is convened. Similarly, it may be appropriate to suspend an officer(s) where it is apparent that tempers are flared and it is believed suspension from duty will allow the situation to calm down. In all cases where the matters under investigation, if proved, would constitute gross misconduct, the employee will also be suspended on full pay. Powers of suspension are vested in the Town Clerk (or in his/her absence his/her representative) and where suspension is thought to be appropriate the Chairman of the Council (or in his/her absence his representative) shall be consulted before any action is taken. Where the Chairman of the Council (or in his/her absence his/her representative) agrees that suspension from duty is appropriate the employee will be suspended and this will be confirmed in writing by the Town Clerk (or in his/her absence his/her representative) within three working days. Suspension from duty will always be on full pay and is not in itself disciplinary action.

Suspension from duty will be for a maximum period of five working days. At the expiration of this period further suspension may still be appropriate in special circumstances and in this event the Town Clerk (or in his/her absence his/her deputy) will discuss the case with the Chairman of the Council (or his/her representative) before any further period of suspension is authorised.

In emergency situations (such as out of office hours) the most senior officer available shall have the power of suspension from duty. In these circumstances the officer suspending the employee will report the action to the Town Clerk (or in his/her absence his deputy) who will consult with the Chairman of the Council (or his/her representative) at the first practicable opportunity. Written confirmation of suspension from duty will follow as detailed above.

17. RIGHTS OF APPEAL

All employees who have been the subject of formal disciplinary action described in this procedure shall have the right of appeal against the decision reached and any sanction imposed.

Appeals against initial or severe warnings will be heard by the manager of the Designated Officer who issued the warning.

The Chairman of the Council will hear appeals against initial or severe warnings that have been issued to the Town Clerk.

A sub-committee of the full Council who shall have designated powers to reach a final decision on the case shall hear appeals against final warnings and decisions to terminate the employment of an employee. Appeals shall be conducted in accordance with the procedure entitled 'Disciplinary Appeals'.

Appeals against any level of warning or dismissal from employment must be lodged within 10 days of the date of receipt of the letter advising the employee of the action taken, and must be addressed to the Town Clerk.

Employees dismissed from employment either with notice or summarily without notice shall not receive salary between the date of termination and the date of appeal. Representations may be made to the Chairman of the Council (or in his/her absence his representative) in any case of hardship. If the employee, on appeal is reinstated he will receive full back pay and there shall be no loss of continuous service or other benefit.

18. POLICY REVIEW

The Chairman of the Council in conjunction with the Policy Committee will review this policy as and when necessary, in light of changes in legislation or good practices.

Reviewed May 2019