GISLINGHAM PARISH COUNCIL

DISCIPLINARY POLICY

(read in conjunction with Disciplinary Rules)

1. Policy Statement

1.1 The aims of this Disciplinary Policy and its associated Disciplinary Rules are to set out the standards of conduct expected of all staff and to provide a framework within which the Council can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary. The standards of conduct expected of all employees are set out in the Disciplinary Rules.

1.2 It is the policy of the Council to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

1.3 This procedure does not form part of any employee's contract of employment and it may be amended at any time. The Council may also vary this procedure, including any time limits, as appropriate in any case.

2. Who is covered by the procedure?

The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3. What is covered by the procedure?

3.1 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies, or poor performance. In those cases, reference should be made to the appropriate policy or procedure.

3.2 Minor conduct issues can often be resolved informally between the employee and the Staffing Panel. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file but will be ignored for the purposes of any future capability hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

3.3 The employee will not normally be dismissed for a first act of misconduct, unless the Council decide it amounts to gross misconduct or they have not yet completed their probationary period.

3.4 If there is difficulty at any stage of the procedure because of a disability, the employee should discuss the situation with the Staffing Panel as soon as possible.

4. Confidentiality

4.1 The aim of the Council is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them as confidential in connection with an investigation or disciplinary matter.

4.2 The employee and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

4.3 The employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless we believe that a witness's identity should remain confidential.

5. Investigations

5.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The Council will appoint the Staffing Panel to investigate, and the Council will set out a provisional timetable for the investigation, which will be communicated to all parties. The investigation will be thorough, impartial, and objective. The Council reserves the ability to appoint an independent third party to investigate the allegations made.

5.2 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

5.3 Employees do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

5.4 The employee must co-operate fully and promptly in any investigation. This will include informing the Council of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

6. Criminal Charges

6.1 Where the employee's conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

6.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

6.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

7. Suspension

7.1 In some circumstances we may need to suspend the employee from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to the employee in writing. While suspended the employee should not contact Councillors, Suppliers, Contractors, Volunteers, or any other Employees, unless they have been authorised to do so by the Staffing Panel. Employees should return equipment on which Council business is stored and essential items for the day to day running of the Council, such as the cheque book and provide any information requested, including passwords, to enable the efficient functioning of the Council business to continue for example during any period of suspensions.

7.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive their full [basic] salary and benefits during the period of suspension.

8. Notification of a Hearing

8.1 Following any investigation, if the Council considers there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The Council will inform the employee in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. The Council will also include the following where appropriate:

(a) a summary of relevant information gathered during the investigation;
(b) a copy of any relevant documents which will be used at the disciplinary hearing; and
(c) a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

8.2 The Council will give the employee written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare their case based on the information we have given them.

9. The right to be Accompanied

9.1 The employee may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. The employee must tell the Staffing Panel, who their chosen companion is, in good time before the hearing.
9.2 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

9.3 If an employee's choice of companion is unreasonable, we may require them to choose someone else, for example:

(a) if in our opinion the employee's companion may have a conflict of interest or may prejudice the hearing; or
(b) if the employee's companion works at another site and someone reasonably suitable is available at the site at which the employee works; or
(c) if the employee's companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

9.4 The Council may, at their discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of their family) where this will help overcome a disability, or where they have difficulty understanding English.

10. Procedure at Disciplinary Hearings

10.1 If the employee or their companion cannot attend the hearing the employee should inform us immediately and we will arrange an alternative time. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason or are persistently unable to do so (for example for health reasons), the Council may have to take a decision based on the available evidence.

10.2 The hearing will be heard by the Staffing Panel. The employee may bring a companion with you to the disciplinary hearing (see paragraph 9).

10.3 At the disciplinary hearing the Council will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. The companion may make representations to us and ask questions but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing.

10.4 The employee may ask relevant witnesses to appear at the hearing, provided they give the Council sufficient advance notice to arrange their attendance. The employee will be given the opportunity to respond to any information given by a witness. However, they will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Council decide that a fair hearing could not be held otherwise.

10.5 The Council may adjourn the disciplinary hearing if they need to carry out any further investigations such as re-interviewing witnesses in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

10.6 The Council will inform the employee in writing of the Council's decision and reasons for it. Where possible the Councill will also explain this information to the employee in person.

11. Disciplinary Penalties

11.1 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. The Council aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

11.2 **Stage 1 - First written warning.** It will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.

11.3 **Stage 2 - Final written warning.** It will usually be appropriate for:

(a) misconduct where there is already an active written warning on the employee's record; **or**

(b) misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on the employee's record.

11.4 **Stage 3 - Dismissal.** It will usually only be appropriate for:

(a) any misconduct during the employee's probationary period;

(b) further misconduct where there is an active final written warning on the employee's record; **or**

(c) any gross misconduct regardless of whether there are active warnings on the employee's record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Disciplinary Rules.

11.5 **Alternatives to dismissal.** In some cases the Council may at their discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

(a) A period of suspension without pay.
(b) Retake training as required.
(c) Loss of future pay increment.

12. The Effect of a Warning

12.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

12.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for **12** months. The employee's conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently, we may decide to extend the active period.

12.3 After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

13. Appeals against Disciplinary Action

13.1 If the employee feels that disciplinary action taken against them is wrong or unjust they should appeal in writing, stating their full grounds of appeal, to the Staffing Panel, within one week of the date on which they were informed of the decision.

13.2 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, they will be reinstated with no loss of continuity or pay.

13.3 If the employee raised any new matters in their appeal, the Council may need to carry out further investigation. If any new information comes to light the Council will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing, and they or their companion may comment on any new evidence arising during the appeal before any decision is taken.

13.4 The Council will give the employee written notice of the date, time and place of the appeal hearing.

13.5 The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the discretion of the Staffing Panel depending on the circumstances of the employee's case. In any event the appeal will be dealt with impartially as possible.

13.6 Where possible, the appeal hearing will be conducted impartially by Councillors on the Staffing Panel who have not been previously involved in the case. The employee may bring a companion with them to the appeal hearing (see paragraph 9).

13.7 The Council may adjourn the hearing appeal if they need to carry out any further investigations in light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

13.8 Following the appeal hearing the Staffing Panel may:

(a) confirm the original decision;

(b) revoke the original decision;
or
(c) substitute a different penalty.

13.9 The Council will inform the employee in writing of their final decision as soon as possible. Where possible the Council will also explain this to you in person. There will be no further right of appeal.

Signed: *C Fell* **Chair**

Approved by Gislingham Parish Council on 21st September 2026

Date of next review September 2027