

**Hurworth Parish Council: Procedure No 17a Grievance Procedure –
Disciplinary Action Process** introduced on 26th May 2015

- 1 **This policy** is based on and complies with the 2009 ACAS Code of Practice and has been designed to help council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2 **This policy confirms:**

- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used to when performance management proves ineffective.
- employees will be **informed in writing** about the nature of the complaint against them and given the opportunity to state their case
- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to make written submissions.
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 1998
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary action. The appeal decision is final
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct

- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
- 3 **Misconduct** is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct.
- unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.
- 4 **Gross misconduct** is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct.
- bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of health and safety rules
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.
5. **Examples of unsatisfactory work performance**
- inadequate application of office procedures
 - inadequate IT skills
 - unsatisfactory management of staff
 - unsatisfactory communication skills.

6. DISCIPLINARY INVESTIGATION

There will be an investigation of the facts. The council's Vetting Committee will be responsible for undertaking the disciplinary investigation. .

The **HPC Vetting Committee** will be asked to submit a report within 20 working days of appointment.

The HPC Vetting Committee has no authority to take disciplinary action. Their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Council whether or not disciplinary action should be taken.

7. THE DISCIPLINARY MEETING

If the Council decides that there is a case to answer the employee will be invited, in writing, to attend a disciplinary meeting.

Dependent upon the outcome of the meeting, the following actions may be taken:-

- No further action
- Oral warning
- Written warning
- Final Written warning
- Suspension
- Dismissal

8. Right of Appeal

An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

9. Appeals Committee

When an appeal is made by an employee, the HPC Appeals Committee will arrange a meeting.

The case will be reviewed, with the employee and other parties involved.

The HPC Appeals Committee will reach it's conclusion and notify the full council and the employee.

Based on the conclusion of the HPC Appeals Committee, the appropriate action will be taken.