

DISCIPLINARY PROCEDURE OF BRINGTON AND MOLESWORTH PARISH COUNCIL

May 2023

1. Purpose and Scope

- 1.1** The disciplinary procedure provides for steps to be taken in the event that you fail to meet the Parish Council's standards of attendance, behaviour and performance or for any breach of any of the terms and conditions of your employment.

2. Principles

- 2.1** The disciplinary procedure is designed to be fair to all and to ensure that you have a chance to put your side of the case where a disciplinary matter arises.
- 2.2** Any breach of any of the terms of your employment, or other serious breach of contract, misconduct, inefficiency or neglect by you while carrying out your duties may be treated as a disciplinary matter.
- 2.3** Conduct outside working hours which, in the opinion of the Parish Council, affects the performance of your duties or may bring the Parish Council into disrepute or adversely affect it may also be considered a reason for implementing the disciplinary procedure.

3. Informal Procedure

- 3.1** If your work or conduct is considered unsatisfactory, an informal meeting may be arranged to explain any shortcomings and suggest ways of correcting them.
- 3.2** If any conduct or breach is considered sufficiently serious, the Parish Council in its absolute discretion may implement the formal procedure without reference to the informal procedure.
- 3.3** If the informal procedure is adopted, the Parish Council may write to you confirming the nature of the problem, agree objectives to remedy it and the timescale within which any breaches must be rectified. The informal warnings may be kept on your file for a period of six months and any further breaches may lead to the formal procedure being implemented.
- 3.4** The formal procedure will be initiated by the Parish Council if the informal procedure fails to result in the desired improvement or in the case of any matter that is considered sufficiently serious.

4. Formal Procedure

Investigation

- 4.1** If there is a concern about your conduct, the Parish Council will investigate and for this purpose may, at its discretion, suspend you from work in which case you will be paid your basic remuneration. This suspension may last as long as any investigation and disciplinary process is continuing.
- 4.2** In its absolute discretion, the Parish Council may:

- a) Require you to attend investigatory hearings for the purpose of being questioned about the allegation(s). Refusal to answer appropriate questions may in itself be regarded as a disciplinary matter.
 - b) Take witness statements from other individuals that were involved in relation to the allegation(s) or who may assist.
 - c) Take time to collate documentary or other evidence that may be relevant to the allegation(s).
- 4.3** The Parish Council will ensure that the investigation is carried out as quickly as possible but there are no time limits relating to the length of the investigation.
- 4.4** The above procedure is not contractual and may be amended by the Parish Council at its absolute discretion.
- 4.5** If, following any investigation, the Parish Council considers that you may have committed a disciplinary offence, you will be informed in writing of the allegation(s) against you and you will be requested to attend a disciplinary hearing.

Right to be accompanied at a disciplinary hearing

- 4.6** You have the right to be accompanied to a disciplinary hearing where you have been required or invited by the Parish Council to attend a disciplinary hearing and when you reasonably request to be accompanied to the hearing.
- 4.7** If you make such a request, you will be allowed to have a single companion at the hearing who is either a work colleague, or a trade union official so long as they have been reasonably certified in writing by their union as having experience of training in acting as a companion at disciplinary hearings.
- 4.8** Your companion may be permitted to address the disciplinary panel but will not be permitted to answer questions on your behalf.
- 4.9** If your companion is not available at the time that the Parish Council has proposed for a disciplinary hearing, you may propose an alternative time for the hearing provided it is a reasonable time and is no further than five working days after the day that the Parish Council had proposed for the disciplinary hearing.

Oral Warning

- 4.10** In the case of minor offences, you will be given a formal oral warning. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained to you. Details of the oral warning will be placed on your personnel file but will be disregarded after a period of six months.

Written Warning

- 4.11** In the case of more serious offences or a repetition of earlier minor offences, you will be given a written warning and will be informed of the likely consequences of further offences. A copy of the written warning will be placed on your personnel file but will be disregarded after a period of twelve months.

Final Written Warning

- 4.12** In the case of a further repetition of earlier offences or in the event that you fail to improve or if the offence, whilst falling short of gross misconduct, is serious enough

to warrant only one written warning, you will be given a final written warning and will be informed that any reoccurrence may lead to your employment being terminated.

4.13 Depending on the seriousness of the matter and all the circumstances, any of the above stages may be omitted.

4.14 In the case of gross misconduct &/or if the appropriate stages of the formal procedure have been exhausted, your employment will normally be terminated.

Appeal

4.15 If you do not agree with the result of any disciplinary decision, you will have the right of appeal provided it is made in writing to the Chairman to the Council within three working days of you being notified. You must set out in full the grounds on which you are appealing the decision, stating whether it is because you disagree with the findings of misconduct or the sanction that was imposed.

4.16 On receipt of notice of your appeal, the Parish Council shall be entitled to seek such other submissions, orally or in writing, from you or such other persons as appropriate.

4.17 You have the right to a hearing which will be by way of a review of the decision and not a full re-hearing. You have the right to have a companion present at the appeal hearing as you did with the disciplinary hearing.

4.18 Where you have been dismissed, the date of your dismissal will stand if the appeal is rejected and the date of the termination of your employment will not be the date that your appeal was rejected.

5. Gross Misconduct

5.1 If the Parish Council reasonably forms the view that you are guilty of gross misconduct, you may be summarily dismissed.

5.2 The following is a non-exhaustive list of examples of offences which the Parish Council may regard as amounting to gross misconduct:

- a) Accepting any bribes or gifts which could be construed as bribes.
- b) Attendance at work while intoxicated or influenced by drugs that have not been prescribed to you by a medical practitioner.
- c) Being abusive or rude to clients or customers.
- d) Breach of rules and regulations relating to health & safety matters that may constitute a danger to the health & safety of yourself, your fellow workers or anyone visiting the premises or properties of the Parish Council.
- e) Bringing the Parish Council into disrepute by conduct whether at work or outside.
- f) Conviction for any offence that is incompatible with your employment, which may place the Parish Council in disrepute or which causes the Parish Council to lose trust and confidence in you.
- g) Damaging the Parish Council's property or the property of an employee with deliberate intent.
- h) Discrimination against, or harassment of, any fellow worker or client or customer on the grounds of sex, race, sexual orientation or disability.
- i) Dishonesty at work whether or not it will cause loss to the Parish Council.
- j) Dishonesty outside work that may bring the Parish Council into disrepute or is incompatible with your employment.
- k) Failing to adhere to any statutory or regulatory requirements where such failure is wilful or amounts to gross negligence or incapability.

- l) Failing to correctly fill out your application or any documents relating to your employment which affect your qualifications for a job, your ability to carry out the job, or may affect the Parish Council's trust and confidence in you.
- m) Falsification of any of the Parish Council's documents whether or not they give you a pecuniary advantage or whether it is likely to cause loss to the Parish Council.
- n) Insubordination to your superiors which is incompatible with your position. Insubordination will be regarded as incompatible if it occurs before fellow workers.
- o) Misuse of any Parish Council vehicle. It will be a dismissible offence if you drive a Parish Council vehicle while intoxicated. It may be a dismissible offence if damage is caused to a Parish Council vehicle by reckless or negligent conduct on your part.
- p) Negligent behaviour which may be gross or which may affect the Parish Council's trust and confidence in your ability to carry out your job.
- q) Misuse of any confidential information belonging to the Parish Council or of information which the Parish Council considers may cause the Parish Council harm or bring it into disrepute.
- r) Violent behaviour towards fellow workers or clients or customers. This will include physical and verbal behaviour or conduct or words that may be regarded as intimidating.
- s) Theft or reasonable suspicion of theft or other criminal offence.
- t) Absence from work that is unauthorised.
- u) Receiving a custodial sentence regardless of the length of that sentence.
- v) Inappropriate use of the Parish Council's telephones &/or e-mail system &/or the internet.
- w) Downloading pornographic and other inappropriate material from the internet.

I acknowledge receipt of a copy of Brington and Molesworth Parish Council's disciplinary procedure.

Signed.....

Date: