

This disciplinary procedure appears still to be fit for purpose



Halstead Town Council Disciplinary Procedure

What will the disciplinary procedure do?

The disciplinary procedure will:

- Encourage councillors and employees to seek to resolve disciplinary and grievance issues in the workplace without resorting to further measures
- Encourage councillors to deal with the issue promptly, without unreasonable delay of meetings and decisions
- Encourage employees to achieve and maintain standards of behaviour
- Provide a fair and consistent method of dealing with alleged failures
- Remind management how disciplinary matters should be handled
- Minimise disagreements about disciplinary matters
- Reduce the need for dismissals

Purpose of the procedure

The Council's aim is to encourage improvement in individual conduct and performance. This procedure sets out the action that will be taken when the Council's rules are breached.

Principles

If you are subject to disciplinary action:

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated;
- At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and be represented or accompanied by a fellow employee of your choice;
- You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice;
- You have the right to appeal against any disciplinary action taken against you;
- The procedure may be implemented at any stage if your alleged misconduct warrants such action;
- If you request, you have the right to be accompanied at a disciplinary hearing by a fellow worker.

Informal discussions

Before taking formal disciplinary action, the Town Clerk will make every effort to resolve the matter by informal discussion with you. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

First warning

If conduct or performance is unsatisfactory, the employee will be given a written warning. Such warnings will be recorded, but disregarded after 12 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. Where a first offence is sufficiently serious, for example because it is having, or likely to have, a serious harmful effect on the Council, it may be justifiable to move directly to a final written warning.

Final written warning

If the offence is serious, or there is no improvement in standards, or a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 3 months, action as set out below will be taken.

Dismissal or action short of dismissal

If the conduct or performance has failed to improve the employee may suffer demotion or dismissal.

Statutory discipline and dismissal procedure

If an employee faces dismissal – or action short of dismissal such as loss of pay or demotion – the minimum statutory procedure will be followed. This involves:

- Step 1: a written note to the employee setting out the allegation and the basis for it
- Step 2: a meeting to consider and discuss the allegation
- Step 3: a right of appeal including an appeal meeting.

The employee will be reminded of their right to be accompanied.

Gross misconduct

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or pay in lieu of notice:

- Theft
- Damage to property
- Fraud
- Incapacity for work due to being under the influence of alcohol or illegal drugs
- Physical violence
- Bullying
- Gross insubordination
- Deliberate misuse of confidential data

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after a full investigation.

Appeals

If you wish to appeal against any disciplinary decision, you must appeal, in writing within five working days of the decision being communicated to you, to the chairman of the Staff Advisory Committee or to the vice-chairman. The chairman of the Staff Advisory Committee or the vice-chairman will hear the appeal, as he/she will not normally have been involved in the original disciplinary action. He/she will decide the case and communicate his/her decision within seven working days.

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