

DISCIPLINARY PROCEDURE

1 DISCIPLINARY PROCESS

1.1 When a disciplinary matter arises, the facts shall be established promptly before recollections fade, taking into account statements of any available witnesses. On some occasions it may be necessary for an employee to be suspended on pay in order for a potentially difficult situation to be avoided or to facilitate an uninterrupted investigative process to take place.

1.2 Suspension with pay is a temporary measure to assist in the clarification of facts and collation of details and shall not be regarded as disciplinary action or a penalty of any kind.

2 MATTERS RESULTING IN DISCIPLINARY PROCESS

2.1 Before any disciplinary action is imposed, you shall be required to attend an interview and at this time you shall be given the opportunity to be accompanied by a fellow employee or union representative. You must take all reasonable steps to attend this meeting. The nature of the disciplinary matter shall be explained in as much detail as possible and you shall be provided with written details of the disciplinary matter.

2.2 If the matter is connected with capability then details of any shortfall in performance shall be outlined in order that you may understand the exact nature of the complaint and be able to respond in an appropriate manner.

2.3 If this is a conduct matter the details of the conduct and any allegations shall be put to you in full, in order that you may comment and fully state your case.

2.4 If the matter is connected with absence, timekeeping, or some other factual matter of this kind then the details of this shall be produced in order that the matter concerned can be discussed fully.

2.5 In all circumstances you shall be given as much information and documentation as is appropriate in the circumstances and be given an opportunity to explain fully your response. If you feel that you need time to prepare an answer, the disciplinary hearing shall be adjourned and reconvened at a more appropriate time when you have had an opportunity to consider matters more fully. At any reconvened disciplinary hearing following an adjournment, you shall be expected to comment on the matters of concern to Combe Martin Parish Council and give any explanations as required.

2.6 If you agree that the criticisms are justified then any mitigating circumstances shall be taken into account. If, however, you have an alternative explanation as to the matters concerned, or are in a position to deny them in their entirety then, dependant upon the circumstances, Combe Martin Parish Council shall undertake further investigations to establish the credibility of your explanations or to allow an opportunity for Combe Martin Parish Council to investigate matters further, in order that a true understanding of the circumstances be established. In these circumstances you shall be invited to a second disciplinary interview in

order that the outcome of the further investigations can be put to you for any final comments before a decision is made.

3 DISCIPLINARY PROCEDURE

3.1 Disciplinary action taken against you shall be based on the following procedure:

<u>OFFENCE</u>	<u>1st Occasion</u>	<u>2nd Occasion</u>	<u>3rd Occasion</u>	<u>4th Occasion</u>
Unsatisfactory Conduct	Verbal warning recorded on file	Written warning recorded on file	Final written warning recorded on file	Dismissal
Misconduct	Written warning recorded on file	Final written warning recorded on file	Dismissal	
Serious misconduct	Final written warning recorded on file	Dismissal		
Gross misconduct	Dismissal			

3.2 Combe Martin Parish Council shall retain discretion in respect of disciplinary procedures and action may commence at any of the above mentioned stages in appropriate cases.

3.3 If a disciplinary penalty is imposed it shall be in keeping with the procedure outlined above, which may encompass a verbal warning, written warning, final written warning, or dismissal and, in the circumstances, full details will be given to you. All written warnings shall contain details of all the matters concerned, as well as summarising and cataloguing the content of disciplinary interviews and the disciplinary process, including information put to you by management, your explanations and the final conclusions reached.

3.4 Warnings for lack of capability or poor performance shall give a period of time to allow an improvement.

3.5 Warnings for misconduct shall require that there is no repetition of the matter concerned, or that there is an immediate improvement.

3.6 In all cases warnings shall either be issued for lack of capability and misconduct, irrespective of the precise matters concerned and any further breach of the procedure in relation to similar or entirely independent matters of lack of capability and misconduct shall be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the appropriate improvement and warnings are not heeded. All warnings shall also include a reminder of the right to appeal.

4 VERBAL WARNING

4.1 In the event of a matter occurring which may lead to a verbal warning, you will be asked to meet your line manager. The line manager will explain the reason for the meeting, and you will be asked to give your view of the matter, in order that the facts may be ascertained. If the line manager is then of the opinion that a verbal warning may be necessary, the matter will be referred to the Personnel Committee. If the Personnel Committee considers it is necessary, you will be called back to meet your line manager, and the verbal warning shall be issued and documented. You will be given a written copy of the verbal warning. You will be asked to sign to acknowledge receipt of the verbal warning.

5 WRITTEN WARNING

5.1 In the event of a more serious matter occurring, or further occurrences of an event which led to a verbal warning, you will be asked to meet the Personnel Committee. The Chairman of the committee will explain the reason for the meeting, and you will be asked to give your view of the matter, in order that the facts may be ascertained. You shall be given the opportunity to be accompanied by a fellow employee, union representative or member of an employment association recognised by the Parish Council. You may then be asked to withdraw from the meeting to permit the committee to discuss the matter. Upon your being recalled, if necessary, a first written warning shall then be issued and documented. You will be asked to sign to acknowledge receipt of the written warning. If the committee considers the matter to be of a less serious nature, it may be necessary to issue a verbal warning only.

5.2 In the event of a matter occurring which may be classed as serious misconduct, or a further occurrence of an event which led to a written warning, the procedure as set out at 5.1 above shall be followed, excepting that the written warning shall be a final written warning.

5.3 Written warnings shall be produced in duplicate with one copy being issued to you and the second copy being signed by yourself, to acknowledge receipt. The second copy shall subsequently be placed on your file. If you refuse to sign, this shall be recorded and witnessed on the file copy.

6 DISMISSAL

6.1 In the event of a matter occurring which may be considered to be gross misconduct, or further occurrences of an event which led to a final written warning, you will be asked to meet the Parish Council. The Chairman of the Council will explain the reason for the meeting, and you will be asked to give your view of the matter, in order that the facts may be ascertained. You shall be given the opportunity to be accompanied by a fellow employee, union representative or member of an employment association recognised by the Parish Council. You may then be asked to withdraw from the meeting to permit the Council to discuss the matter. Upon your being recalled, if necessary, a first written warning shall then be issued and documented. You will be asked to sign to acknowledge receipt of the written warning. If the committee considers the matter to be of a less serious nature, it may be necessary to issue a written warning only.

6.2 If the result of the disciplinary process is dismissal, be it dismissal in the first instance for gross misconduct, or a dismissal following a series of warnings, you shall be issued with a letter of dismissal outlining precisely the reasons for your dismissal and in these circumstances this shall also contain a reminder of your right of appeal.

7 EXPIRY OF WARNINGS

7.1 Verbal Warnings

A verbal warning shall be disregarded after a six-month period, unless the particular offence is repeated or relates to a rule that can only be broken on isolated occasions.

7.2 Written Warnings

A written warning shall be disregarded after a twelve-month period unless the misconduct is of a serious nature or relates to a rule that can only be broken on isolated occasions.

7.3 Final Written Warnings

A final written warning shall be disregarded after a twelve-month period unless the misconduct is of a serious nature or relates to a rule that can only be broken on isolated occasions.

8 GENERAL NOTES

8.1 Dismissal for Gross Misconduct offences shall render you liable to termination without notice. In the event of this happening, the Parish Council shall provide you with written details of the nature of the alleged misconduct which has led to your dismissal, together with your right to appeal against the dismissal. The procedures regarding appeals against dismissal are the same as appeals against warnings.

8.2 Suspension from work without pay for up to 5 days may be considered as an alternative to dismissal.

8.3 You have the right to appeal against any disciplinary action.

9 DISCIPLINARY AUTHORITY

9.1 The operation of the Disciplinary Procedure is based on the following authority at the various levels of disciplinary action:

DISCIPLINARY ACTION	ACTION TAKEN BY
Verbal warning	Line Manager following consultation with Personnel Committee
Written warning	Personnel Committee
Final written warning	Personnel Committee
Suspension without pay	Parish Council
Dismissal	Parish Council

10 DISCIPLINARY APPEAL

10.1 The Disciplinary Rules and Procedures that form part of your Contract of Employment incorporate the right to lodge an appeal in respect of any disciplinary action taken against you. However, any appeal hearing need not take place before the dismissal or disciplinary action takes effect.

10.2 If you wish to exercise this right, you should apply to the Chairman of the Appeals Committee within seven working days of the decision you are complaining against.

10.3 Appeals against written warnings or dismissal shall give details of why the penalty imposed is either too severe, unfair or inappropriate in the circumstances.

10.4 Because you will be fully aware as to precisely the nature of the disciplinary action taken against you (be it a warning or a dismissal) you should have sufficient information to establish what aspect of the action taken against you, you feel is in need of appeal. Therefore, you should try to be specific in appealing as to what aspect of the disciplinary process you wish to complain about.

10.5 If you feel it appropriate, you may request that at the beginning of any appeal hearing the aspects of the warning or dismissal are explained again to you in full detail in order that you fully understand the disciplinary penalty taken against you and you may, more appropriately, challenge the areas about which you feel concerned.

10.6 The disciplinary appeal procedure shall be conducted by the Appeals Committee, which shall be made up of the Appeals Committee Chairman and four other members of the Parish Council, none of whom shall be a member of the Personnel Committee. A fellow employee, union representative or member of an employment association recognised by the Parish Council may accompany you. At the appeal you may introduce information you feel appropriate, or call witnesses relevant to the matter concerned. The Appeals Committee may also find it appropriate to call to the meeting the person who took the disciplinary action and any other individuals involved in the disciplinary process, in order to clarify the matters concerned. You must take all reasonable steps to attend the meeting.

10.7 Our aim is to have the appeal as a complete re-hearing and reappraisal of all matters in order that those persons who conduct the appeal can make an independent decision into the severity and appropriateness of the disciplinary action, independent of the original decision before deciding to refuse or grant the appeal.

10.8 The result of the appeal will be made known to you in writing within five working days after the hearing.

