

## LANDFORD PARISH COUNCIL STANDARD OPERATING PROCEDURE

<b>TITLE</b>	Disciplinary Procedure
<b>NUMBER</b>	HR 7
<b>DATE EFFECTIVE</b>	25 March 2019
<b>DATE LAST REVISED</b>	June 2024
<b>DATE OF MEETING</b>	10 <sup>th</sup> July 2024

### 1. INTRODUCTION

This disciplinary procedure is designed to help and encourage employees of Landford Parish Council (“the Council”) to achieve and maintain acceptable standards of conduct, and job performance, at all times. This procedure applies to all employees of the Council.

### 2. DISCIPLINARY ACTION AND DISMISSAL PROCESS

#### 2.1 First stage

The Council will issue the employee with a first written warning. Unless the employee already has active written warnings relating to their performance and/or to disciplinary matters on their work record, a first written warning will remain in place for 12 months from the date the employee is notified of the decision. It will then be removed from the employee’s record.

#### 2.2 Second stage

If there is an active first written warning on the employee’s record and their performance has failed to improve or they are involved in further misconduct, the Council will issue a final written warning. In serious cases of poor performance or misconduct, the Council may issue a final written warning without first issuing a first written warning. In either case, the final written warning remains active for 12 months from the date the employee is notified of the decision. It will then be removed from the employee’s record.

#### 2.3 Third stage

If there is an active final written warning against the employee and their performance has failed to improve or they are involved in further misconduct, the employee may be dismissed. The employee may also be dismissed for a serious case of misconduct or poor performance, or if they are involved in gross misconduct.

The Council may be prepared to explore other actions short of dismissal including extending the employee's final written warning period to allow further time to review how the employee responds.

## 2.4 Examples of misconduct leading to disciplinary action

The following list is not exhaustive and provides examples of conduct that will normally be regarded as misconduct leading to disciplinary action:

- Unacceptable level of sickness absence, including unauthorised absence;
- Failure to comply with rules and regulations applicable to job requirements;
- Failure to perform the duties and responsibilities of role to the standard expected by the Council;
- Minor breaches of the employment contract;
- Absence from work that has not been authorised;
- Poor attendance and timekeeping;
- Refusing to follow reasonable instructions;
- Sending and receiving an excessive number of personal emails;
- Using obscene language or otherwise behaving offensively;
- Being careless when carrying out duties;
- Wasting time during contracted working hours.

## 2.5 Examples of gross misconduct likely to lead to summary dismissal

The following list gives examples of what would normally regard as gross misconduct likely to lead to summary dismissal. This list is not exhaustive and should be referred to as a guide.

- Bullying or physical violence;
- Fraud, theft, or any act of dishonesty;
- Serious negligence leading to loss, damage, or injury;
- Serious health and safety breaches;
- Serious and intentional damage to Council property;
- Unlawful harassment or discrimination;
- Knowingly accessing websites containing offensive, or obscene material;
- Serious insubordination;
- Serious breaches of confidence;
- Being under the influence of illegal drugs;
- Being under the influence of alcohol.

### **3. DISCIPLINARY PROCEDURE**

In the case of further misconduct within the time period specified in any Final Written Warning, or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee, the following will be implemented:

- 3.1. The Council will investigate the alleged misconduct and will establish the facts, taking account of the statements of any witnesses.
- 3.2. The Council will set out in writing the alleged misconduct or other circumstances which lead the Council to contemplate dismissing the employee or taking disciplinary action against the employee. The Council will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his/her response to the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- 3.3. Disciplinary meetings will normally be convened within 7 working days of the Council sending the employee the written statement referred to in 3.2 above. The employee may be accompanied to any disciplinary meeting by a companion or by a representative of a Trade Union. The Council will be represented by the employee's line manager/Chair.
- 3.4. If the time or date proposed for the meeting is inconvenient, the employee may ask to postpone the meeting by up to 7 working days.
- 3.5. The meeting may be adjourned to allow matters raised during the meeting to be investigated, and a subsequent meeting may be called by the Chair.
- 3.6. After the meeting, or subsequent meeting, the Council will inform the employee of their decision and any applicable sanction within 7 working days. The decision will be confirmed to the employee in writing.

### **4. APPEAL PROCEDURE AGAINST THE OUTCOME OF THE DISCIPLINARY HEARING**

- 4.1. If the employee wishes to appeal against the decision, he/she must notify the Council in writing within 7 days of receiving written notice of the decision, with the details of exactly why they are appealing.
- 4.2. If the employee notifies the Council that he/she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee

may be accompanied to a disciplinary appeal meeting by a companion or by a representative of a Trade Union.

- 4.3. A disciplinary appeal meeting will normally be convened within 7 working days of the Council receiving notification that the employee wishes to appeal pursuant to 4.1 above. If the time or date proposed for the meeting is inconvenient, the employee may ask to postpone the meeting by up to 7 working days.
- 4.4. The disciplinary appeal meeting will consider any new evidence that the employee, or the Council, wishes to put forward.
- 4.5. The original disciplinary penalty imposed will be reviewed but cannot be increased upon appeal.
- 4.6. The disciplinary appeal will not necessarily take place before any disciplinary sanction takes effect. If the employee's appeal is against dismissal and the appeal is successful, the employee will be reinstated and continuity of employment will be preserved.
- 4.7. The meeting may be adjourned to allow matters raised during the appeal meeting to be investigated, or to afford the Chair time to consider its decision. A subsequent meeting may be called by the Chair.
- 4.8. After the meeting, or subsequent meeting, the Chair of the appeal hearing will inform the employee of their decision and any applicable sanction within 7 working days. The decision will be confirmed to the employee in writing.