



Treverbyn Parish Council

Disciplinary Policy

1. Introduction

This procedure aims to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The objective is to ensure consistent and fair treatment of all employees. This procedure aligns with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees unless superseded by a contractual or statutory requirement.

2. General Principles

The procedure is not a substitute for good management practices and should only be used after informal efforts to improve conduct have been made.

Gross misconduct or serious breaches of disciplinary rules may require immediate formal action.

No disciplinary action will be taken without a full investigation.

Employees will be informed of the nature of the complaint and given an opportunity to present their case.

Employees have the right to representation at disciplinary hearings and appeals.

Employees will receive at least 5 working days' notice to attend hearings or appeals. If the employee fails to attend without valid reason, the proceedings may continue in their absence.

Any disciplinary action will be proportionate to the offence, considering the employee's previous record and the impact on the Council.

Employees have the right to appeal against disciplinary warnings or dismissal.

3. Roles and Responsibilities

3.1 Line Manager

Responsible for addressing minor disciplinary issues informally and escalating serious matters to the Clerk.

3.2 Clerk

Manages the formal disciplinary process and may appoint an Investigating Officer.

3.3 Staffing Committee

Manages the disciplinary process and appoints an Investigating Officer for cases involving the Clerk.

3.4 Investigating Officer

Gathers evidence, interviews relevant parties, and prepares a report.

3.5 Hearing Panel

Chaired by the Clerk or, for matters involving the Clerk, three HR Committee members. The panel determines outcomes and sanctions.

3.6 Appeal Panel

Comprised of three HR Committee members who have not previously been involved in the case.

3.7 Note Taker

Records meeting details during all stages of the procedure.

3.8 Authorisation to Issue Sanctions

Sanction

Authority

Oral Warning

Line Manager, Clerk

First Written Warning

Clerk, HR Committee

Final Written Warning

Clerk, HR Committee

Dismissal (with/without notice)

Clerk, HR Committee

4. Representation

Employees may be represented by a trade union representative or colleague during hearings and appeals. Representatives may address the hearing but cannot answer questions on behalf of the employee.

5. Informal Procedure

Minor breaches of conduct are addressed informally by the Line Manager or Clerk, with guidance and support provided. Records of informal discussions are retained on the employee's file.

6. Formal Procedure

The formal procedure applies when:

Informal efforts fail to achieve improvement.

Allegations involve serious misconduct.

Multiple minor allegations constitute a serious breach.

6.1 Suspension

Employees may be suspended with pay pending investigation for:

Potential gross misconduct.

Risk to property or people.

Broken relationships.

Suspension does not constitute disciplinary action and will be confirmed in writing, normally lasting no longer than 20 working days.

6.2 Investigation

The Investigating Officer collects evidence, interviews witnesses, and prepares a report recommending one of the following:

- No further action.
- Informal resolution.
- Disciplinary hearing.

6.3 Arranging a Hearing

Employees receive at least 5 working days' notice of a hearing, with details of allegations, potential outcomes, and supporting documents. Employees may call witnesses and submit evidence at least 3 days before the hearing.

6.4 Conducting a Hearing

The panel reviews evidence and hears from both parties before determining:

Whether allegations are substantiated.

Appropriate disciplinary action, considering previous records and the gravity of the offence.

Outcomes are communicated in writing within 5 working days.

6.5 Levels of Disciplinary Action

Stage / Outcome / Description

Stage 1

Oral Warning

For minor offences, confirmed in writing.

Stage 2

First Written Warning

For serious offences or repeated minor misconduct.

Stage 3

Final Written Warning

For serious misconduct or repeated offences.

Stage 4

Dismissal (with notice)

For continued misconduct or serious offences.

Stage 4

Dismissal (without notice)

For gross misconduct.

7. Right of Appeal

Employees may appeal against any disciplinary action by writing to the Clerk or HR Committee Chair within 10 working days. Appeals are heard by three HR Committee members with no prior involvement. Decisions are final and communicated in writing within 5 working days.

8. Training

The Council will ensure that all individuals involved in the disciplinary process receive appropriate training.

9. Disciplinary Rules

Examples of misconduct include but are not limited to:

- Poor timekeeping or attendance.
- Unauthorised absences.
- Misuse of Council property.
- Negligence in duties.

9.1 Gross Misconduct

Examples include:

Theft or fraud.

Physical or verbal abuse.

Serious breaches of safety rules.

Discrimination or harassment.

10. Trade Union Officials

Disciplinary actions involving trade union officials will be discussed with a full-time officer of the union.

11. Record Keeping

Records of all disciplinary actions will be maintained confidentially and in compliance with data protection regulations.

Adoption and Review

This Grievance Policy was adopted by Treverbyn Parish Council on 25.02.25. It will be reviewed annually or as required by legislative changes.

Signed: *D. R. Hawken*

Position: Clerk of the Council

Date: 25.02.25