

MILTON PARISH COUNCIL

DISCIPLINARY PROCEDURE

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:-

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the Council's image and reputation with the public.

The procedure is not contractual but applies to all employees who should familiarise themselves with its provisions.

For first instances of minor misconduct the Clerk may speak to the employee informally before implementing a formal disciplinary procedure. However, there is no obligation for the Clerk to do this.

For other instances of misconduct the following shall apply:-

1. In the first instance a member of the Staffing Committee ('the member') will establish the facts surrounding the complaint by holding an investigatory meeting with the employee and if necessary taking into account the statements of any available witnesses.
2. If the member considers that it is not necessary to resort to the formal warning procedure, he will discuss the matter with the employee suggesting areas for improvement. The discussion will, insofar as is possible, be in private and the employee will be informed that no formal disciplinary action is being taken.
3. If the member considers that it is necessary to invoke the formal warning procedure he will write to the employee with details of the alleged disciplinary failing and inviting the employee to attend a disciplinary meeting to discuss the matter. At that meeting, which will be conducted where possible by 2 different members of the Staffing Committee, the Employee will be given the opportunity to state his case and may be accompanied by his trade union representative or by a colleague of his choice. If the complaint is upheld the employee will be informed in writing of the disciplinary action to be taken, the stage in the disciplinary procedure to be adopted depending upon the seriousness of the offence, and of the right to appeal.

The following procedure will then apply, but, depending upon the seriousness of the offence, may be invoked at any level including summary dismissal.

- 3.1. In the case of minor offences or a repetition of earlier minor offences the employee will be given a formal oral warning. He will be advised that the warning constitutes the first formal stage of the disciplinary procedure and that a note will be placed on his personal file. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained to him.
 - 3.2. In the case of serious offences or a repetition of earlier minor offences the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period.
 - 3.3. In the case of a further repetition of earlier offences, if the employee still fails to improve or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, the employee will be given a final written warning setting out the precise nature of the offence, containing a statement that any recurrence will lead to dismissal or whatever other penalty is considered appropriate and specifying, if appropriate, the improvement required and over what period.
 - 3.4. Depending upon the seriousness of the matter and all the circumstances, any of the above stages may be omitted.
 - 3.5. In the case of gross misconduct or if all or the appropriate stages of the warning procedure have been exhausted the employee will normally be dismissed, but only after the consideration of other possible disciplinary action including (but without limitation): or salary increment; suspension with or without pay
4. Where the employee is accused of an act of gross misconduct he may be suspended from work on full pay pending the outcome of investigation into the alleged offence.
 5. If the employee is dissatisfied with the outcome of any stage of the above procedure he may appeal in writing within 7 days to the Council. An Appeal Meeting will then be conducted by 3 members of the Council who have no previous involvement in the disciplinary proceedings held and the employee will be notified of the appeal decision in writing.
 6. The following are non-exhaustive examples of the sort of offences which, if committed, will normally lead to a formal disciplinary action being taken:-
 - 6.1. Minor offences (oral warning); poor job performance involving sub-standard work, unsatisfactory timekeeping, absenteeism including any absence from work during a working day without prior authorisation or instruction or any minor breach of the Council's regulations.

- 6.2. Serious offences (written warning); negligence resulting in minor loss, damage or injury; failure to comply with a specific instruction; irresponsibility in relation to the employees, activities or impropriety in relation to the employee's tasks for the Council whether or not within working hours, which the Council reasonably considers to be detrimental to or conflicting with the interest of the employee or likely to affect the employee's standard of work; failure to disclose any personal interest of the employee which conflicts with any matter of the Council with which the employee is engaged or any breach of confidence relating to the Council or members of the public.
- 6.3. Gross misconduct (dismissal); negligence resulting in serious loss, damage or injury, assault or attempted assault; theft; malicious damage to property; wilful disregard of duties or of instructions relating to the Council's affairs or the affairs of members of the public; the use for personal ends of confidential information obtained by the employee in the course of his employment; falsification of records; conduct violating common decency, or conviction on a criminal charge relevant to the employee's employment. (In serious cases, dismissal will normally be without notice).
7. A record of any disciplinary action taken will remain on an employee's personal file for 1 year.
8. All staffing disciplinary and grievance matters shall be discussed in private session. In the first instance the only councillors who should have any knowledge of an issue with an employee should be the members of the Staffing Committee. All other councillors shall where possible avoid becoming involved in any issues in order that 3 of their number may be used for any appeal hearing that may be requested by an employee.

SC 15/11/10

APPROVED and ADOPTED by Council on 6th December 2010