

## People Team

### Disciplinary Procedure

#### 1 Introduction

- 1.1 The purpose of the Disciplinary Procedure is to help and encourage all employees to achieve and maintain satisfactory standards of conduct and ensure employees are treated in a manner that is fair, sensitive, and consistent with Council values, employment law, and good management practice.
- 1.2 The policy should be read in conjunction with the Disciplinary Guide, which provides clear guidance on the steps that should be followed to ensure that allegations of misconduct are investigated in a timely and appropriate manner.
- 1.3 This policy is not contractual and may be amended.

#### 2 Who this Policy Covers

- 2.1 The policy applies to all employees and workers. It does not apply to contractors, consultants, agency workers or any self-employed individuals working for the organisation. The Council's constitutional rules will be applied for senior officers where appropriate.

#### 3 What this Policy Covers

- 3.1 This policy covers allegations of misconduct. It will not apply where other policies and procedures exist such as probation, performance or attendance and are more relevant. It may also be necessary to move between policies and procedures if it becomes apparent that is more appropriate to address the concerns under a different procedure. Both the Dignity at Work Policy and Safeguarding Allegations Policy operate in conjunction with this Policy.
- 3.2 Any complaints or grievance about any matters related to the disciplinary procedure will usually be addressed as part of the disciplinary process.

#### 4 Informal Action

- 4.1 Cases of minor misconduct will be dealt with informally wherever possible. Informal warnings will be confirmed in writing.

#### 5 Formal Action

- 5.1 The formal procedure will be applied if either the informal procedure has not resolved the misconduct issue or it is considered to be too serious to be dealt with informally.
- 5.2 It may be necessary to alter or restrict duties, or to suspend employees from work with pay during a disciplinary investigation. These measures are to protect the Council or ensure the smooth running of the disciplinary procedure and are in no way intended to indicate guilt on the part of the employee.

- 5.3 Allegations of misconduct will be investigated by an appropriate person in a way that is fair and proportionate to their seriousness and complexity. This will normally be the line manager, unless it is deemed inappropriate, in which case another investigator will be identified. Employees will be informed of the nature of the allegation(s) of misconduct and will have the opportunity to respond. The investigator will complete the investigation and then determine whether to take, no further action, to issue an informal warning or determine that a disciplinary hearing is required.
- 5.4 Any conduct issues must be managed within a reasonable timeframe. The individual will be kept informed of progress and anticipated timescales.
- 5.5 Where cases relate to alleged criminal activity and are subject to external investigation (e.g. police, safeguarding teams) the disciplinary investigation may run concurrently. Where appropriate we may share investigation findings with external bodies e.g. police, safeguarding boards and the Independent Safeguarding Authority.
- 5.6 Employees will be informed of their statutory right to be accompanied at formal hearings by a Trade Union Representative or work colleague. Trade Union Representatives have the right to be represented by their District or Regional Officer.
- 5.7 A non-exhaustive list of examples of acts of misconduct and gross misconduct is attached at Appendix 1.
- 5.8 There are a number of sanctions that may be given. These will normally be either to take no action; issue an informal warning, give a first warning or a final warning; dismissal with notice; summary dismissal (without notice) Other actions may be recommended or sanctions applied, if considered appropriate.
- 5.9 Employees cannot be dismissed for a first instance of misconduct except in the case of gross misconduct, where the penalty may be dismissal without notice.
- 5.10 Where dismissal may be an outcome the disciplinary hearing will be chaired by a Head of Service or more senior officer.
- 5.11 Employees may appeal the disciplinary decision within seven calendar days of receiving the outcome letter. They will be advised of this right and will be required to explain the reason for their appeal.
- 5.12 At the employee's request, an Elected Member may attend an appeal meeting to observe proceedings but not participate in the decision.
- 5.13 The appeal hearing decision is final.

## **6 Confidentiality**

- 6.1 All parties involved in the disciplinary procedure must ensure that they maintain confidentiality and any breach of this will be treated as potential misconduct.

## 7 The Role of the People Team

- 7.1 The People Team is responsible for advising on the fair, consistent application of the Disciplinary Procedure Policy. Managers must contact the People Team before starting the formal disciplinary procedure.

## 8 Monitoring and Review

- 8.1 This policy will be regularly reviewed in consultation with trade unions.
- 8.2 The policy will be monitored to ensure it continues to meet the requirement to treat all employees equally, fairly and without discrimination.

## Appendix 1 – Examples of Misconduct

Examples of misconduct and gross misconduct for which disciplinary action is appropriate include (but are not limited to):

### Misconduct

- Failure to follow a reasonable management request
- Lateness and poor timekeeping
- Breach of absence reporting procedures
- Insulting or offensive behaviour towards colleagues or customers
- A breach of Council policies including the Employee Code of Conduct
- Depending on the seriousness of the allegation the above actions may be considered to be gross misconduct

### Gross Misconduct

- Theft, fraud or falsification of documents
- Physical violence or bullying
- Wilful damage to property
- Serious breach of health and safety rules
- Bringing the Council into disrepute
- Serious misuse of computer, email or internet facilities
- Unlawful discrimination or harassment

## Appendix 2 – Overview of Disciplinary Procedure

