

Helpringham Parish Council

Disciplinary Policy

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Introduction

Helpringham Parish Council (HPC) is committed to providing an enjoyable and successful working environment. This requires the support and commitment of all of our employees.

The disciplinary procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance and to ensure consistent and fair treatment for all. It is non-contractual and does not form part of your contract of employment, it applies to all Helpringham Parish Council employees.

The policy is based on the latest ACAS Code of Practice. This means:

- No disciplinary action will be taken against an employee until the case has been investigated.
- At every stage in the process the employee will be advised of the nature of the allegation or complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- During any disciplinary hearing, the employee will have the right to be accompanied by a fellow employee or trade union official or representative, or a parent or guardian where the employee is under 18. The companion may address the hearing and confer with the employee but may not answer questions on the employee's behalf.
- An employee will have the right to appeal.

Investigation Stage

- Upon receiving an allegation against an employee HPC will instigate an investigation, the company will write to the employee notifying of the investigation and ensure a thorough investigation is carried out. The investigation will be carried out by an appropriate councillor who has had the appropriate training.
- Investigation meetings will be held with any employees and appropriate witness(s) if applicable. There is no statutory right to be accompanied at these meetings. However, it may be appropriate to allow an employee to be accompanied as part of a reasonable adjustment.
- The company shall write upon completion of the investigation notifying the outcome of the investigation.

Commented [AY1]: Do we need to specify who does investigation, disciplinary and appeal or formalise roles in the case that it is needed?

Suspension

- It may be necessary to suspend an employee from the company to complete a fair and impartial investigation. Suspension is a neutral act, which does not imply guilt or blame, and will be for as short a period as possible.
- During a period of suspension an employee may be required to remain away from the Company's premises and to comply with such conditions as the Company may specify in relation to contact with the Company's clients, customers, suppliers, contractors and employees.
- Whilst on suspension an employee will continue to receive full pay and retain all other benefits.
- We understand suspension can be a stressful time for an employee and we are here to support:
 - Independent Counselling Service
 - A dedicated Mental Health First Aider

Disciplinary Hearing

- Upon outcome of the investigation, should the evidence warrant a disciplinary hearing the employee shall be notified in writing of the allegation against them along with the evidence supporting the allegations and any possible outcomes.
- The hearing will be heard by a hearing panel. The panel will consist of a chairing manager (who will be appropriately chosen for the case) and a member of the Parish Council.
- The Parish Council will ensure that the employee is given reasonable notice of the hearing date and time and venue.
- The employee has the statutory right to be accompanied at the hearing by either a workplace colleague or trade union representative.
- If the employee is unable to make the hearing date, the hearing will be arranged within 5 working days. If the employees' chosen companion is not available at the time proposed for the hearing by the Parish Council, the Parish Council will postpone the hearing to a time not more than 5 working days after the date originally proposed.
- Should an employee repeatedly fail to attend a disciplinary hearing, the Parish Council may conduct the hearing in their absence and make a decision on the evidence available. The employee will be notified in writing should the Parish Council be holding a meeting in the employee's absence.
- At the hearing the Parish Council shall put the case to the employee and the employee will be given the chance to put forward their case and any evidence they wish to present. Both the Parish Council and employee are allowed to call witnesses to the hearing, notice should be given to either party of witnesses being called to the hearing.
- Once both the Parish Council and the employee have stated their cases the Chair of the panel will call an adjournment before any decision is made on an outcome.
- The employee will also receive written notification of the hearing within 5 working days of the hearing along with the minutes taken. The written notification will detail any sanction taken (if applicable), along with the right to appeal.

Disciplinary Sanctions

The following are the possible sanctions that can be applied at the outcome of a disciplinary hearing:
First Written Warning

- Final Written Warning
 - Dismissal – either with or without notice.
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- All first written warnings will remain 'live' on an employee's file for 6 months from the date of the issued outcome letter.

- A final written warning will remain 'live' on an employee's file for 12 months from the date of the issued outcome letter.
- The company will keep a records of the disciplinary during the term of employment, in line with the ACAS code of practice, this includes any spent sanctions.
- Should the employee be dismissed as a result of having been given a previous formal warning as part of the disciplinary process, they will receive pay in lieu of notice. The exception to this will be if the employee has been subject to summary dismissal for gross misconduct, in this case the employee will be dismissed without notice or pay in lieu of notice.
- The following list, which is not exhaustive, provides examples of offences, which are normally regarded as gross misconduct:
 - Dishonesty or attempted dishonesty including false expense and bonus claims
 - Negligence resulting in serious loss, damage or injury
 - Loss of driving license on conviction when driving is the main or an essential part of the job requirement
 - Deliberate refusal or wilful failure to carry out a reasonable and lawful instruction given by management during working hours
 - Bullying; offensive; aggressive; threatening or intimidating behaviour or excessive bad language
 - Breach of health and safety rules
 - Assault or attempted assault
 - Theft
 - Abuse of company communications
 - Malicious damage to property
 - Incapability through alcohol or being under the influence of illegal drugs
 - The possession of illegal drugs
 - Any action or behaviour (whether deliberate or not) likely to bring the Parish Council into disrepute
 - Any serious breach of confidentiality
 - Bullying, sexual harassment or harassment of any other nature

Appeal

- An employee has the right to appeal any decision made at a disciplinary hearing and this should be done within 5 working days of receipt of the outcome letter. The appeal should be made in writing to the designated appropriate councillor and clearly state the grounds for appeal.
- Upon receipt of the appeal, an appeal hearing panel shall be formed and will consist of the two appropriate Parish Council members.
- The appeal hearing will be set as soon as reasonably possible, with the employee receiving written notification on when it is to take place. The employee has the right to be accompanied to the appeal hearing by either a workplace colleague or trade union representative.
- Upon completion the appeal panel will notify the outcome in writing to the employee no later than 5 working days.
- The decision of the appeal panel is final and there will be no further route of appeal.

Equal Opportunities

This policy will apply equally to all staff regardless of age, disability, sex, religion or belief, race, pregnancy and maternity, gender reassignment, marriage and civil partnership and sexual orientation.

Policy Review

This policy will be reviewed regularly, and the Parish Council may make changes as needed.