

Pittington Parish Council

DISCIPLINARY PROCEDURES IN RESPECT OF ALL EMPLOYEES

1. Disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and in the conduct of industrial relations. They also assist an organisation to operate effectively. Rules set standards of conduct at work. Procedure helps to ensure that the standards are adhered to and also provides a fair method of dealing with alleged failures to observe them.
2. Management is responsible for maintaining discipline within any organisation and for ensuring that there are adequate disciplinary rules and procedures. The Council, therefore, as the employer, has formulated this document on this basis. Both the Council and the Trade Unions representing the workforce recognise that, to be fully effective, disciplinary rules and procedures need to be accepted as reasonable, both by those who are to be covered by them and those who operate them. This document, therefore, is agreed by both the Council as an employer and the appropriate Trade unions as a reasonable and effective disciplinary procedure. These disciplinary procedures shall not apply in the case of employees whose employment is terminated because of unsatisfactory conduct or performance during a period of probation not exceeding six months. Similarly, these procedures shall not apply to dismissal on the grounds of redundancy.

3. Basic Disciplinary Procedure

- a. Where an employee's work, conduct or omission, are such as to warrant disciplinary action, the Council Official Officer or Chairman should give the warning to the employee. The circumstances may be such that this could be a final warning.
- b. This may be done orally, or in writing, depending upon the circumstances. In any case the warning will state the nature of the complaint and the employee will be informed, in writing, within seven days, that the warning will be recorded.
- c. No warning shall be given until the employee has been given the opportunity to state his / her side. The employee shall be given the opportunity, if he/she so wishes, of being accompanied by a Trade Union Representative.
- d. The further committing of a similar act, or of a subsequent or different offence, may result in a further warning, which may be final warning according to the circumstances. Any final warning will be confirmed in writing within seven days except in exceptional circumstances and will leave the employee in no doubt that the further committing of similar acts or omissions could result in dismissal
- e. When the stage is reached that dismissal of the employee is a possible outcome of the disciplinary action being considered, the matter will be dealt with by the Disciplinary Committee (not comprising Members of the Investigation Committee). Before taking any decision to dismiss an employee, the investigation Committee shall carry out a thorough investigation of all the circumstances. Before reaching any decision, the Disciplinary Committee will provide the employee with an opportunity if putting his/her side. In this respect, the employee shall be given the opportunity, if he or she so wishes, of being accompanied at any interview by a representative of his/her choice.
- f. Any decision by a Disciplinary Committee shall be notified in writing to the employee within seven days, and such notification will inform the employee of his/her rights of appeal.

4. Certain types of misconduct may lead to summary dismissal without previous warnings. Any dismissal on the grounds of gross misconduct shall be made by the Disciplinary Committee only after following the procedure set out in para 3(e) above. In such cases the decision will be made after determining whether, in all circumstances, the conduct in question is such that the Council cannot reasonably allow the continued presence of the employee at the place of work.
5. Frequently, circumstances arise at the work situation where a decision has to be taken immediately and where the possibility of gross misconduct or other serious disciplinary offences needs to be considered. In appropriate cases the employee shall be suspended from duty in order to allow time for a proper examination of all the circumstances of the misconduct. Whilst an employee is suspended he/she will be paid an allowance which is not less than the allowance payable under the appropriate National Agreement. Where the Contract of Employment has been suspended, either to enable investigations to be made where the possibility of dismissal may arise, or where there are grounds for doubt as to the suitability of the employee to continue at work, the circumstances of the case shall be investigated as soon as possible.
6. Where suspension is on less than full pay, in the event of the Disciplinary Committee adjudging that the employee was not blameworthy the suspension shall be terminated and the employee shall receive all monies to which he/she would have been entitled but for the suspension, if the employee is adjudged blameworthy but is allowed to continue in employment, the Disciplinary Committee shall have discretion as to whether to make up suspension allowance. If the employee is dismissed he/she shall not be entitled to wages other than the sum due up to the date of suspension but shall be allowed to retain any sum already paid to him/her as suspension allowance during the period of suspension.
7. In certain cases, when considering serious disciplinary action, the Disciplinary Committee, may, as an alternative to dismissal, suspend an employee Contract of Employment without pay for a period not exceeding four weeks on the basis of punishment as an alternative to dismissal.
8. Employees shall have a right of appeal if they feel they have been unfairly dismissed or otherwise treated unfairly in respect of disciplinary matter. In cases involving verbal or written warnings the appeal will normally be heard by the Investigation Committee. In cases involving final warnings or dismissal an employee will be informed in writing that they have a right of appeal and that any such appeal shall be dealt with by the Appeals Committee. Notification by the employee that he/she wishes to exercise a right of appeal must be made in writing within 14 days of the issue of the warning or notification of dismissal to the Parish Council.
9. The procedure to be followed by the Appeals Committee, when dealing with appeals, is set out in the Appendix to the procedure.
10. Although, normally, disciplinary standards will apply to the conduct of Trade Union Officials as employees, no disciplinary action will be taken against a Trade Union official until the circumstances of the case have been discussed with a more senior Trade Union representative or full time official and an external consultant.
11. It is not possible for the Council to produce a full set of disciplinary rules which apply to all employees. However, both sides recognise that in certain employment groups, certain rules of discipline are important to the work involved, and that it is important that the employees concerned should be made aware of these rules and the consequences of breaking them. It

is agreed, therefore, that management should attempt, in appropriate circumstances, to bring rules to the attention of the appropriate employees.

12. As far as individual personal records are concerned, due cognisance will be made of the time which may have elapsed since the previous offence was recorded and, in addition, the nature of that offence when considering a current situation
13. The use of the above disciplinary procedures will not need to be used primarily as a means of imposing sanction. It will be the aim of the Council in using these procedures and the Trade Unions in cooperating with them, to emphasise the more positive aspect of discipline and to encourage and make possible improvements in individual conduct and performance, the Council will make all attempts to be fair in every case and ascertain all the relevant facts prior to reaching a decision. The Trade Unions, on their part, recognise that the disciplining of employees may be necessary and when done fairly, is in the interests of the workforce as a whole and on this basis agree to cooperate in the implementation of these procedures.

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