



**WEST BEDLINGTON**  
TOWN COUNCIL

## **Disciplinary Policy**

### **West Bedlington Town Council**

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## **DISCIPLINARY PROCEDURE**

### **Gross Misconduct**

1. Acts of Gross Misconduct, if proven after an appropriate investigation and Disciplinary Hearing will result in dismissal.

2. Employees accused of Gross Misconduct will receive a written invitation to a Formal Disciplinary Hearing, giving them details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a representative. The letter will provide a minimum of 2 working days prior notice to the meeting.

3. West Bedlington Town Council recognises the following as acts of Gross Misconduct.

- a) Theft.
- b) Abusive or threatening behaviour of any nature.
- c) Being under the influence of alcohol or drugs.
- d) Dishonesty in dealings with the Council
- e) Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
- f) Breach of confidentiality.
- g) Fighting and acts of aggression.
- h) Deliberately damaging Council property.
- i) Deliberate breaches of Council Health and Safety procedures.
- j) Unauthorised access to Council computer files, software or any other such breach of confidentiality.

Employees who have been dismissed for acts of Gross Misconduct do have a right to appeal against their dismissal.

4. Appeals should be submitted within a reasonable timescale following the dismissal and addressed to the Governance and Staffing Working Group (or Review Committee if appointed). A reasonable timescale would normally be no longer than a week following the dismissal.

Employees submitting an appeal must make it clear that they are appealing against the decision to dismiss them, and set out the reasons for their appeal.

5. Once the Governance and Staffing Working Group have received notice of the Employee's decision to Appeal, they will follow the Appeal Procedure.

### **Informal Discipline Concerning Employee Conduct / Performance**

6. Should the Chair / Council be unhappy with either the conduct or performance of an Employee, they will initially discuss their concerns with the Employee on an informal basis.

7. The purpose of this meeting will be to guide and support the Employee to help them address the problem and perform to a standard acceptable to management. For this reason the Chair will take notes during this meeting, decide what action should result from the meeting and ask the Employee to sign the notes.

8. Only the Chair and Employee should attend this meeting. There will be no entitlement to be accompanied.

### **Formal Discipline Concerning Employee Conduct / Performance**

9. If an issue regarding an employee's conduct, behaviour or performance isn't fully addressed by informal methods, the Governance and Staffing Working Group (or Review Committee if appointed) will pursue the matter through its formal Disciplinary Procedures. As a consequence, the Governance and Staffing Working Group (or Review Committee if appointed) will investigate whatever evidence is available concerning the disciplinary problem and arrange for a formal meeting to be held to address the matter.

10. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, failure to carry out tasks within an acceptable timescale, poor conduct and behaviour at work, or lack of capability by an employee to carry out their job.

11. Employees will be informed by letter that they are required to attend a formal disciplinary meeting. This letter will include details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a representative at the meeting.

12. This is a four step procedure, which increases in the severity of its outcome if the issue isn't resolved at the previous step. Each step involves a formal meeting between the affected employee and the Governance and Staffing Working Group (or Review Committee if appointed), at which the Employee will be given every opportunity to put their side of the issue.

13. Meetings will be conducted as soon as reasonably possible after the incident(s) which are being investigated to ensure that facts and witness statements are clear and up to date. At this meeting Employees are entitled - and encouraged - to be accompanied by a representative.

14. If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council management against the employee:

<b>STEP No</b>	<b>ACTION TAKEN</b>	<b>LIVE PERIOD</b>	<b>MANAGER RESPONSIBLE</b>
1	Formal Oral Warning	Six months.	Governance and Staffing Working Group (or Review Committee if appointed)
2	Formal Written Warning	Six months	Governance and Staffing Working Group (or Review Committee if appointed)
3	Final Written Warning	Twelve months	Governance and Staffing Working Group (or Review Committee if appointed)
4	Termination of Contract of Employment	N/A	Full Council Excluding the Appeals Panel

15. Particularly severe acts of indiscipline may result in the Management bypassing Step No 1.

16. Employees have the right to appeal against a decision made at any stage of the Formal Disciplinary Procedure, the outcome of a Grievance Hearing, or dismissal caused by redundancy or sickness.

17. Appeals should be made to the Chair of the Council or their Deputy, preferably in writing and within a reasonable timescale following the action the Employee is appealing against. A reasonable timescale would normally be no longer than a week. Appeals made after one week will be considered if the Employee has a reasonable explanation for having taken so long.

18. Employees submitting an appeal must make it clear to the Chair of the Council or their Deputy that they are appealing against the decision affecting them, and set out the reasons for their appeal.

19. The Chair will then set up an Appeal Panel drawn from three members of the Council who are not members of the Governance and Staffing Working Group (or Review Committee if appointed). A Formal Appeal Hearing, involving the Employee and the Appeals Panel will be held within fourteen days of receipt of the appeal request. At this meeting Employees are entitled - and encouraged - to be accompanied by a SLCC or other representative.

20. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.

21. After the grievance appeal meeting the employee will be informed of the committee's final decision within 5 working days. The meeting may be reconvened for this purpose. The committee's decision will be confirmed to the employee in writing.