

**DISCIPINARY PROCEDURE**

**1.Objective**

(i)The purpose of the disciplinary procedure is to ensure a fair and systematic approach to addressing matters of conduct, behaviour and professional performance**.**

**2.Overview**

(i)There are four possible stages (and sanctions) to this procedure (listed below). On occasions, a stage may be omitted or repeated, depending on circumstances and/or gravity of the alleged offence.

(ii)Very rarely will dismissal follow a first breach of discipline, except in the instance of gross misconduct. This may lead to a summary dismissal without notice. Gross misconduct can be defined as unacceptable or improper behaviour of a very serious nature where little regard has been shown for workplace rules or policies. Examples are: bringing the Council into disrepute; serious insubordination; drunkenness and/or drug abuse.

(iii)This policy does not comprise part of your contract of employment. It may be amended from time to time.

**3.Procedure**

(i)You will be informed in writing of the matter/s which is/are considered to warrant a disciplinary meeting (hearing).

(ii)In the first instance, the matter/s will be investigated fully and thoroughly by the Chair of Council prior to the hearing. All evidence will be made available to all parties involved.

(iii)Seven working days written notice of the hearing will be given. This gives ample time for preparation. Notification will be given of the time, date and place. You will be provided with all relevant material. Additionally, you will be given a hard copy of the Disciplinary Procedure document

(iv)The hearing will be held at a place accessible to all parties. Provision will be made for any person with a disability and/or whose first language is not English, provided reasonable notice is given.

(v)Every effort will be made to conduct the hearing in a way which is easy to understand and follow

(vi)The panel will comprise three serving councillors and Clerk unless implicated

(vii)You may bring a companion to the hearing. Typically, a companion is a trade union representative, a colleague of a friend. You must notify us in advance of the name of your companion. Due regard will given to finding an appropriate time for your companion.

At the hearing your companion can a make representations , ask questions and challenge assertions. They cannot answer questions on your behalf. You can ask to speak privately with your companion during the hearing.

(viii)At the beginning of the hearing, the precise allegation/s will be read out by the chair.

(ix)Minutes will be taken. Whenever possible this task will be undertaken by an agreed person not actively involved in the proceedings

(x)The Council reserves the right to suspend you in circumstances where very serious allegations have been made, while investigations take place. Suspension is a totally neutral act and will not prejudice any subsequent action. While suspended you will receive your normal pay and benefits.

**4.Purpose of the disciplinary hearing**

(i)An explanation will be offered of the alleged failure/s to meet required standards together with details of any investigations to support the allegation/s.

(ii)You will be given the opportunity to explain matters from your point of view and present any mitigating circumstances.

**5.Discilinary Stages (Sanctions)**

(i)Stage 1; a formal verbal warning issued by the Chair of Council. Typically, this will follow a first and relatively minor matter. It will be recorded in writing and remain on file for a period of six months. Provided there are no further offences, the record then will be erased

(ii)Stage 2; a written warning issued by the Chair of Council. Typically, this will follow a more serious matter or be imposed where conduct does not improve from stage 1. It will remain on file for a period of twelve months. Provided the improvements sought are achieved and there are no further misdemeanours, the record then will be erased.

(iii)Stage 3; a final written warning issued by the Chair of Council. If following a written warning your conduct does not improve and/or similar misdemeanours occur, this will warrant a move to stage 4.

(iv)Stage 4; dismissal with notice. If your conduct does not improve within a reasonable period of time following stage 3, you may be given notice of dismissal. This will be confirmed in writing. On dismissal you are entitled to the appropriate notice as specified in your contract.

Dismissal without notice; gross misconduct. Very rarely, you may be dismissed without notice. This will follow an investigation and the opportunity to present your case at a hearing. This will occur when the matter is judged to be an act of gross misconduct. Subsequently you will have recourse to an employment tribunal.

**6.Outcomes/appeals**

(i)We will write to you normally within three working days of the hearing to advise you of the outcome of a hearing. We will remind you of your right to appeal. If appropriate, we may also invite you to a short meeting to give you this information in person.

(ii)Should you wish to appeal, you must state your reasons in writing. The request should be submitted to the Chair of Council within seven working days of the outcome letter.

(iii)We will hold the appeal hearing normally within seven working days of receiving your request for an appeal. This will be conducted by three serving councillors who have had no involvement in the matter. Again, you are entitled to bring a companion.

(iv)We will inform you of our final decision in writing within three working days of the hearing. This is the end to the internal procedure. There is no further appeal