

Disciplinary Policy for Heytesbury, Knook and Imber Parish Council

Purpose

The purpose of this policy is to establish fair and consistent procedures for addressing disciplinary issues involving employees of Heytesbury, Knook, and Imber Parish Council (hereafter referred to as "the Council").

The Disciplinary Policy is compliant with the Employment Rights Act (Dispute Resolution) Regulations 2004 (amended in 2009) and ACAS code of practice and will be applied fairly and consistently in accordance with the Equality Act 2010.

Scope

This policy applies to all employees of the Council.

Disciplinary Offences

Disciplinary offenses may include, but are not limited to:

- Breach of Council policies and procedures and/or contract
- Poor performance in relation to contract or council rules
- Misconduct / Gross misconduct as defined by ACAS
- Attendance issues
- Health and safety violations
- Discrimination or harassment
- Theft or dishonesty

Disciplinary Procedure

1. Investigation:

Where an allegation is made, the chair should be informed and then members of the council will be asked to conduct a thorough investigation to gather relevant information and evidence. There should be two Councillors and a minute taker appointed.

At all stages the wellbeing and mental health of all involved must be considered.

See Appendix A for a step-by-step procedure for investigation.

2. Disciplinary Meeting:

The employee will be invited to a disciplinary meeting where they will have the opportunity to respond to the allegations and present their case. The employee has the right to be accompanied at any disciplinary meeting. Audio or video recording is not permitted in the disciplinary meeting.

3. Adjournment:

The meeting may be adjourned either during or when the current meeting has been closed. This may be to allow time to weigh-up the evidence and seek additional advice to make a balanced judgment. The adjournment duration may vary depending on the nature of the disciplinary hearing and reason for adjournment. Further witnesses may need to be called. The Chair or Vice chair will keep the employee informed of next steps and timeframes should an adjournment take place.

4. Decision:

Following the disciplinary meeting, the Council will determine whether disciplinary action is warranted based on the evidence and the employee's response.

5. Disciplinary Action:

If disciplinary action is deemed necessary, it may include verbal or written warnings, suspension, demotion, or dismissal, depending on the severity of the offense and the employee's disciplinary history. Disciplinary action will be aimed at correcting behaviour or performance rather than punishing individuals.

6. Right to Appeal:

The employee has the right to appeal any disciplinary action imposed against them. The appeal should be submitted in writing within 14 days of receiving the decision.

Appeal Process

- a. The appeal will be heard by an independent appeal panel appointed by the Council.
- b. The appeal panel will review all relevant documentation and may hold a hearing where the employee and any witnesses may present their case.
- c. The appeal panel will provide a written decision to the employee within 7 days of the conclusion of the appeal hearing. This decision is final.

Confidentiality

All parties involved in the disciplinary process are expected to maintain confidentiality to protect the privacy of those involved.

Non-Retaliation

The Council prohibits retaliation against any employee who raises concerns or participates in the disciplinary process in good faith.

Review

This policy will be reviewed annually to ensure its effectiveness and compliance with relevant legislation and best practices.

Appendix A - Step by Step Procedure for Investigation

An investigation is ideally carried out by an independent person or by a councillor who will not be involved in the disciplinary hearing or any appeal. The investigation must be conducted to establish the facts as soon as is reasonably practicable after the matter arises before recollections fade. A proper investigation is an integral part of the process and, where an allegation of gross misconduct is involved, may require employees to be suspended on contractual pay whilst this is carried out. Suspension on pay is not considered to be a sanction taken as a result of the disciplinary procedure. It is there to ensure that issues are dealt with in a fair and reasonable manner, and adequate protection is given to all employees. The suspension period should be as brief as possible and should be kept under review.

The investigating officer should:

1. Inform the relevant person that.... because of their action, the matter is to be investigated.
2. Inform the employee that they are entitled to be accompanied by a colleague at an investigation meeting.
3. Interview the relevant person about the matter.
4. Interview all relevant witnesses (If identified as part of the investigation).
5. Gather all the facts and background.
6. Keep a written record all meetings and findings.
7. Ensure all witness statements are reviewed and signed by interviewees.
8. Ensure all witnesses are made aware that statements may be made available to the person being investigated.
9. Inform the person being investigated at appropriate intervals about the progress of the investigation if there has been a delay in the investigation.
10. Feedback the findings to the council to ascertain whether there is a case to be answered and to check through the investigation pack.

The investigator must prepare a written report of their findings within 14 days and any recommendations they may have as to the substance of the allegation made against the employee. This will be limited to:

- there is no case to answer and it is recommended that the allegation is dismissed
- the matter is not serious and can be dealt with informally
- there is a case to answer before a disciplinary hearing

11. If further action is required, invite the person to a disciplinary hearing if necessary. An investigation will not always lead on to a disciplinary hearing; no action is a potential outcome.