



"Not for self"

Oswestry Rural Parish Council

DISCIPLINARY PROCEDURE

It is Oswestry Rural Parish Council's policy that the following procedure should be followed when an employee is being disciplined or dismissed. The procedure provides that in normal cases an employee will be given a series of warnings before discipline or dismissal is contemplated.

Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment or victimisation
- misuse of company facilities including computer facilities (e.g. email and the internet)
- poor timekeeping
- unauthorised absences

General principles applicable to the procedures

The following principles apply to the disciplinary procedure set out below:

1. The body who has authority to discipline the employee in accordance with this procedure is the Personnel Committee which shall report back to the parish council and progress by resolution of the council.
2. The employee has the right to be accompanied to any meeting by a trade union representative or a person who has been previously notified to the parish council.
3. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
4. Meetings will be conducted in a manner that enables both parties to explain their cases.
5. The parish council will keep records detailing the nature of any breach of disciplinary rules or unsatisfactory performance, the employee's defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. The parish council will keep these records confidential.

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, the employee will be invited to a disciplinary meeting at which the matter can be properly discussed. He/she will be allowed to bring a person (who has been previously notified to the parish council) or trade union representative to the meeting. The outcome of the meeting will be communicated to the employee. Below are possible outcomes.

Oral Warning

In the case of minor infringements, the employee may be given a formal oral warning. A note of the oral warning will be kept on his/her file but will be disregarded for disciplinary purposes after six months from the date the oral warning is given. The employee has the right to appeal against a formal oral warning.

Written Warning

If the infringement is more serious or there is no improvement in conduct after a formal oral warning the employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after twelve months from the date the written warning is given.

Final Written Warning

Where there is a failure to improve or change behaviour while a prior formal written warning is still in effect, or where the infringement is sufficiently serious, the employee may be given a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after twelve months from the date the written warning is given.

Dismissal

If the employee's conduct or performance still fails to improve, the final step will be to contemplate dismissal, or taking action short of dismissal, e.g. demotion. If the council is contemplating dismissing the employee or applying some other disciplinary penalty, the following procedure will begin.

Step 1: The Personnel Committee will give the employee a written statement and call a meeting to discuss the matter

The committee will set out in writing the employee's alleged conduct, characteristics or other circumstances which led it to contemplate dismissing or taking disciplinary action against the employee. The committee will also set out the basis on which it has made the allegations against the employee. If possible, the committee will provide the employee with copies of any relevant evidence against him/her. The committee will invite the employee to a hearing to discuss the matter.

Step 2: Meeting is held, and the Personnel Committee informs the employee of the outcome

The meeting will take place before any disciplinary action, other than suspension on full pay, is taken. The meeting will be held without undue delay but only when the employee has had a reasonable opportunity to consider his/her response to the written statement and any further verbal explanation the committee may give. The employee must take all reasonable steps to attend the meeting.

The committee will inform the employee of its decision as soon as possible and notify him/her of their right to appeal if he/she is not satisfied with it.

Step 3: Appeal against the disciplinary decision if necessary

If the employee wishes to appeal, he/she must inform the Chairman of the Personnel Committee in writing within 30 days.

If the employee does this, the parish council will invite the employee to attend a further meeting. The employee must take all reasonable steps to attend the meeting.

The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the parish council will inform the employee of its final decision and confirm it in writing as soon as practicable.

Gross Misconduct

If, after investigation, it is confirmed that the employee has committed one of the following offences (the list is not exhaustive), the employee will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he/she will be paid. Suspension is not a disciplinary action and does not mean the employee is being pre-judged.

In most cases any decision to dismiss will be taken only after the Personnel Committee have fully investigated the matter.

However, in a few cases of gross misconduct the parish council may be justified in dismissing immediately without conducting an investigation. In these cases, a two-step procedure will be followed.

Step 1: Parish Council will give the Employee a written statement

The parish council will give the employee a written statement setting out the conduct that has resulted in his/her immediate dismissal and informing the employee of the right to appeal against the decision to dismiss.

Step 2: Appeal against the decision to dismiss

If the employee wishes to appeal, he/she must inform the Chairman of the parish council. A meeting must be held (in accordance with the general principles set out above). The parish council will then inform the employee of its decision as soon as possible.

<i>Date adopted:</i>	<i>27 October 2015</i>
<i>Reviewed:</i>	<i>31 October 2017</i>
<i>Reviewed without change:</i>	<i>5 January 2022</i>
<i>Next review date:</i>	