Sibbertoft Parish Council

Disciplinary Policy and Procedure Readopted May 2026

1. Introduction

The Council requires good standards of discipline from its employees, together with satisfactory standards of work. The purpose of the disciplinary procedure is to ensure that any concerns over employees' conduct or performance are handled in a fair, consistent and timely manner, with the intention of bringing about an improvement, and to protect the proper operation of the Council's business and the health and safety of its employees.

This procedure may be reviewed and updated from time to time. Any amendments will be notified to employees in writing, following consultation and/or notice where appropriate.

Where time limits are specified in this Policy and Procedure, they may be varied by agreement between the Council and the employee.

During the probationary period, the full disciplinary and grievance procedure will not apply.

2. Rules and Application

1.1 The following are examples of conduct/performance that will normally be addressed through implementation of the Council's disciplinary procedure:

1.a.1 Unsatisfactory work performance;

1.a.2 Breaches of Council policies and procedures;

1.a.3 Inappropriate behaviour (e.g. fighting, drunkenness, etc.);

1.a.4 Bullying, harassment or victimisation;

1.a.5 Discrimination on any of the grounds listed in the Council's Equality and Diversity and Equal Opportunity Policy : e.g. race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin;

1.a.6 Persistent lateness or poor timekeeping;

1.a.7 Unacceptable levels of absence, especially when unauthorised;

1.a.8 Serious or repeated failure to follow reasonable requests or instructions;

1.a.9 Abuse, misuse or neglect of Council property or facilities;

1.a.10 Bribery offences under the Bribery Act 2010; and

1.a.11 Use of Council facilities and equipment for personal reasons during work time e.g. Council email, telephones and internet access.

1.2 Confidentiality:

2.a.1 Disciplinary matters will be handled with as high a degree of confidentiality as is practicable, particularly when the issue is of a sensitive nature.

2.a.2 Confidential records of disciplinary matters will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although the Council reserves the right to withhold certain information (e.g. to protect a witness).

1.3 Investigation:

2.3.1 The employee's manager will promptly and thoroughly investigate any matter that is reasonably believed to be a disciplinary matter. The employee concerned will be informed of the investigation as soon as possible and when it has been concluded.

2.3.2 The employee may be asked to attend an investigatory interview. If such an interview is held prior to a disciplinary meeting, the employee will be advised from the start that the interview is an investigatory interview.

2.3.3 The Council reserves the right to omit the investigatory interview stage and move straight to a formal disciplinary meeting.

1.4 Suspension:

4.a.1 The Council reserves the right to suspend an employee from work, normally for no more than 5 working days, while a disciplinary offence is being investigated.

4.a.2 Employees will be advised if the suspension is likely to last longer than 5 working days.

4.a.3 Suspension is not regarded by the Council as disciplinary action. The Council shall inform the employee of the reason for the suspension.

4.a.4 Employees may be suspended without pay/or on reduced pay but only if this is allowed by their employment contract and the Council is acting reasonably.

1.5 The Council reserves the right to:

5.a.1 monitor employees' activities including telephone calls, email messages and internet use at any time, whether as part of a disciplinary investigation or otherwise. Employees should therefore not consider such activities and methods of communication to be confidential when conducted at work.

5.a.2 search an employee's desk, bags, pockets, vehicle or other Council property or personal possessions where such action is considered necessary in the opinion of the Council. A search will only be carried out by an appropriate person in the presence of a witness and employees may request the presence of a Councillor.

3. Disciplinary Procedure

1.1 Informal discussion

1.a.1 The Council will initially try to resolve disciplinary issues informally by way of an informal discussion with the employee concerned.

1.a.2 This is a two-way discussion where the Council will be able to inform the employee of their shortcomings in conduct or performance and at the same time provide the employee with the opportunity to provide an explanation.

1.a.3 The main purpose of the informal talk is to find a solution to the problem that is beneficial for both the Council and the employee.

1.a.4 Generally, cases of minor misconduct and/or unsatisfactory performance are dealt with informally. In the event of poor performance, disciplinary meetings will usually only be undertaken where counselling the employee and further training (if required) has failed to produce a satisfactory improvement to performance. However, if the informal action does not provide a solution to the problem or if the disciplinary issue is too serious to be dealt with informally, then the formal disciplinary procedure will be followed.

1.2 Written notice of intended disciplinary meeting

2.a.1 If it is decided that there is a disciplinary case to answer, the Council will write to the employee, giving them a minimum of 2 days' notice of the meeting and advising the employee of their right to be accompanied to the meeting. At the same time, the Council will provide the employee with written notice informing them that this constitutes the start of the formal disciplinary procedure and as such outline:

a.1.a.1 the alleged misconduct or poor performance and any possible consequences of these;

a.1.a.2 the improvement that is required, any timescale for achieving this improvement and any support available (if appropriate);

a.1.a.3 details as to the time and venue of the disciplinary meeting; and

a.1.a.4 notice of the employee's statutory right to be accompanied if the meeting could result in a formal warning, the confirmation of a warning or the taking of some other disciplinary action. (This statutory right can be exercised once the employee has made a reasonable request to be accompanied).

2.a.2 The employee's chosen companion will be able to address the meeting to put or sum up the employee's case as well as confer with the employee during the meeting. They may not, however, answer questions on the employee's behalf, address the meeting if the employee does not wish them to do so or prevent the Council from explaining their case. The companion can be a Councillor, trade union representative or official employed by a trade union.

2.a.3 The meeting will be scheduled in order to give the employee reasonable time to prepare for the meeting.

2.a.4 The Council will establish the facts before the meeting by collecting documents, identifying any relevant people to interview and taking statements before memories start to fade. Any requests for anonymity and confidentiality should be taken seriously. At least 2 days before the meeting, the employee should be provided with all relevant information, including statements, upon which the Council intends to rely.

2.a.5 Where the Council or an employee intends to call relevant witnesses they should give advance notice to the other party that they intend to do this. It may also be appropriate to provide copies of written evidence including any witness statements.

2.a.6 If the employee is unable to attend the disciplinary meeting at the agreed time, the Council shall offer an alternative reasonable time and date. The Council shall give at least 2 days' notice of any rearranged meeting. If the employee fails to attend the rearranged meeting the Council, taking into consideration any reasons and concluding that such failure is without good cause, is free to decide upon the matter using the evidence available. In these circumstances, the employee will be allowed to make written submissions.

1.3 **Disciplinary meeting**

3.a.1 A disciplinary meeting will normally be conducted by the employee's line manager.

3.a.2 The Council will explain the complaint against the employee and go through any relevant evidence.

3.a.3 The employee will then be given the opportunity to present their own evidence, answer any allegations, ask questions and call relevant witnesses.

3.a.4 If the Council is unable to attend the meeting, such a delay should be conveyed to the employee at the earliest opportunity and a reasonable alternative should be provided to the employee.

3.a.5 Where possible, a manager who did not carry out the investigation will attend the meeting.

1.4 Outcome of meeting

4.a.1 As soon as possible after the conclusion of the disciplinary meeting, the employee's line manager will inform the employee what disciplinary action, if any, will be taken. If the Council finds there has been no misconduct/ poor performance, the employee will be informed of this in writing.

4.a.2 Where a minor offence has been committed, a recorded oral warning may be given. The warning will state that any further misconduct will render the employee liable to further, more severe, disciplinary action. The employee shall be informed of the period in which the warning will remain 'live' 6 months

4.a.3 *First Written Warning* - If more serious misconduct/poor performance or further minor offences are confirmed, the Council will issue a written warning setting out the complaint and stating that further misconduct or a failure to improve performance may result in further disciplinary action. This letter will include details as to the improvement required, time-scales for such improvement and details of any help that will be made available eg training. The employee shall be informed of the period in which the warning will remain 'live' 6 months and advised of their right to appeal against the warning.

4.a.4 *Final Written Warning* - If the misconduct/ poor performance is sufficiently serious or there has been further misconduct or a failure to improve since a previous written warning the Council may issue a final written warning. This will give details of the complaint and nature of the misconduct/poor performance, the improvement required, the time-scale for such improvement and details of any help available. It will also warn that failure to improve may lead to dismissal or some other contractual penalty e.g. demotion. The employee shall be informed of the period in which the warning will remain 'live' 6 months and advised of their right to appeal against the warning.

4.a.5 *Dismissal / Other Penalty* - If there has been further misconduct or failure to improve performance since a final written warning the Council may dismiss the employee or take some other action short of dismissal such as demotion or disciplinary suspension. The employee will be provided with a written statement of the reasons for dismissal/or other action, the date on which the employment will terminate (if dismissed), and their right to appeal, as soon as reasonably practicable. The dismissal decision should only be taken by a manager who has the authority to do so.

4.a.6 *Dismissal without Notice* - If the Council establishes that there has been gross misconduct the employee may be summarily dismissed i.e. dismissed without notice. The Council will follow a fair disciplinary procedure before taking any decision to dismiss without notice and this will be confirmed in writing (see Gross Misconduct section below).

1.5 Appeal

5.a.1 Employees have the right to appeal against any formal disciplinary action. An appeal cannot be made against an informal oral warning. The appeal should be made in writing within 5 working days of the disciplinary decision.

5.a.2 The employee must inform the Council as to the grounds for appeal in writing, and may be accompanied to the appeal meeting. In making an appeal, the employee should state if they are appealing against the finding that they committed the alleged acts of misconduct and/or against the level of sanction imposed.

5.a.3 The Council will hear the appeal without unreasonable delay and where possible the appeal will be dealt with by a manager, preferably more senior, not previously involved in the case. However, where this is not practicable, the same manager may handle both the disciplinary and the appeal meetings and he/she will act as impartially as possible.

5.a.4 The outcome of the appeal will be confirmed in writing within 5 working days of the meeting. Decisions made at this stage will be final and there is no further right of internal appeal.

4. Special Cases

1.1 Where disciplinary action is being considered against an employee who is an accredited trade union representative of a trade union recognised by the Council for collective bargaining purposes, the above procedure will not be followed until the Council has had a chance to discuss the matter (with the prior agreement of the employee) with a senior trade union representative or permanent union official of that trade union. The Council shall, however, be able to suspend the employee in the case of a suspected or known incident gross misconduct.

1.2 An employee being charged or convicted with a criminal offence is not in itself a reason for disciplinary action. The Council will consider whether the offence or alleged offence is one that makes the employee unsuitable for their type of work. Therefore, the Council will establish the facts of the case and consider whether the facts warrant starting the disciplinary procedure. Similarly, an employee cannot be dismissed solely because they were absent from work as a result of being remanded in custody.

5. Gross Misconduct

1.1 In the event that an employee commits an act of gross misconduct, the Council is entitled to summarily terminate the employee's contract of employment without notice or pay in lieu of notice.

1.2 The following non-exhaustive list gives examples of offences that the Council will normally regard as gross misconduct:

2.a.1 Theft, fraud, dishonesty or deliberate falsification of records;

2.a.2 Fighting, assault or other violent behaviour;

2.a.3 Deliberate damage to, or misuse of, Council property;

2.a.4 Deliberate use of internet and/or email to access or distribute material of a pornographic, offensive, obscene or inappropriate nature;

2.a.5 Incapability at work due to the effect of alcohol or drugs;

2.a.6 Possession, custody or control of illegal drugs on Council premises;

2.a.7 Serious breach of the Council's rules, policies and procedures;

2.a.8 Serious negligence which causes loss, damage or injury;

2.a.9 Conviction of a criminal offence that is relevant to the employee's employment with the Council and renders them unsuitable for their work;

2.a.10 Conduct likely to bring the Council's name into disrepute;

2.a.11 Bullying, harassment, victimisation or discrimination;

2.a.12 Accepting bribes;

2.a.13 Gross negligence;

2.a.14 Drunkenness or being under the influence of illegal drugs at work;

2.a.15 Possession or control of illegal drugs on the Council's premises;

2.a.16 Serious acts of insubordination.

1.3 If the Council decides to summarily terminate the employee's contract of employment without notice or pay in lieu of notice the Council must be acting *fairly and reasonably* to take this action rather than following the Disciplinary Procedure set out in Clause 3 above.

This procedure has been approved & adopted by Sibbertoft Parish Council

Chairman:

Date:

Minute reference:

Review date: