



BRAUNSTONE TOWN COUNCIL

DISCIPLINARY POLICY AND PROCEDURE

Purpose and Scope

1. The Town Council's policies and procedures, employment contracts, job descriptions and person specifications set out what is expected of employees in terms of the standards required in carrying out their duties.
2. The disciplinary policy and procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of attendance, behaviour, conduct and performance by providing a clear and consistent method for dealing with alleged failures to observe these.
3. Disciplinary action can relate to behaviour and conduct outside of work where this has a direct bearing on an employee's suitability for employment or the Town Council's reputation.
4. This procedure applies to employees of Braunstone Town Council. This policy is not applicable to casual workers, volunteers or agency workers.

Principles

5. Issues relating to an employee's attendance, behaviour, conduct and performance should be raised and dealt with promptly and meetings, decisions or confirmation of those decisions should not be unreasonably delayed.
6. All parties should act consistently and treat information associated with disciplinary proceedings in the strictest confidence.
7. The representative of the employer dealing with any disciplinary issues will seek the advice of the Town Council's HR Advisor at all stages and ensure that any necessary investigations are carried out to establish the facts of the case. Notes should be kept of all meetings.
8. Whether the issue is addressed formally or informally, the representative of the employer should set out the basis of the problem and, where possible, their expectations. The employee will have the chance to put their case before any decisions are made and to be accompanied at any formal disciplinary hearing.
9. In applying the procedure, the Town Council will promote fairness and transparency and apply relevant codes of good practice as set out by Acas.

Informal Discipline

10. Should a manager or the Council be unhappy with an employee's attendance, behaviour, conduct or performance of an employee, they will initially discuss their concerns with the employee on an informal basis. In the case of the Chief Executive & Town Clerk this meeting will be conducted by the Chair of the Employing Committee, supported by at least one other Councillor.
11. The purpose of this meeting will be to guide and support the employee to help them address the problem and perform to an acceptable standard. For this reason the manager will take notes during this meeting, decide what action should result from the meeting and these notes should be signed by the employee and manager, both of whom will be provided with a copy.
12. Only the manager or Councillors (where the matter relates to the Chief Executive & Town Clerk) and employee should attend this meeting. There will be no entitlement to be accompanied.

Formal Discipline

13. If an issue regarding an employee's attendance, conduct, behaviour or performance isn't fully addressed by informal methods, the Management will pursue the matter through its formal Disciplinary Procedures.
14. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, poor conduct and behaviour at work, or lack of capability by an employee to carry out their job.
15. Employees will be informed by letter that they are required to attend a formal disciplinary hearing. 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 trade union representative or a work colleague from the Council. Reasonable efforts will be made to accommodate all parties when making arrangements for the hearing.
16. Hearings will normally be conducted by the Chief Executive & Town Clerk, supported by the Council's HR Advisor. If the disciplinary relates to the Chief Executive & Town Clerk, the hearing will be conducted by the Employing Committee (substitute members can be drawn from the Full Council), supported by the Council's HR Advisor.
17. 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 representative of the employer, at which the employee will be given every opportunity to put their side of the issue.
18. 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 work colleague from the Council, or trade union representative.

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

| STEP No | ACTION TAKEN | LIVE PERIOD |
|---------|---------------------------------------|---------------|
| 1 | Formal Oral Warning | Three Months |
| 2 | Formal Written Warning | Six Months |
| 3 | Final Written Warning | Twelve Months |
| 4 | Termination of Contract of Employment | N/A |

Particularly severe acts of indiscipline may result in the Management bypassing Steps 1 & 2. In the case of employees with less than 2 years continuous service, Management may bypass Steps 1 – 3.

Gross Misconduct

20. Acts of Gross Misconduct, if proven after an appropriate investigation, (*including searches of personal property carried out with due regard to the individual's dignity and any appropriate Council property*), and a Disciplinary Hearing may result in dismissal without notice.
21. Employees accused of Gross Misconduct may be suspended on full pay and 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 work colleague from the Council or trade union representative. The letter will provide a minimum of 2 working days prior notice to the meeting. The formal disciplinary hearing will be conducted in accordance with paragraph 16 above.
22. Braunstone Town Council recognises the following as acts of Gross Misconduct (this is not an exhaustive list):
- a. theft / fraud;
 - b. abusive or threatening behaviour of any nature;
 - c. being under the influence of alcohol or drugs;
 - d. dishonesty in dealings with the Council and/or Management;
 - e. unlawful discrimination, harassment or victimisation, including 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. failing to carry out reasonable Management instructions;
 - h. serious insubordination;
 - i. lobbying Town Councillors concerning employment matters;
 - j. fighting and acts of aggression.
 - k. deliberately damaging Council property;
 - l. a serious breach of security;
 - m. deliberate breaches of Council Health and Safety procedures;
 - n. deliberate breaches of the law;
 - o. causing loss, damage or injury through serious negligence
 - p. unauthorised access to Council computer files, software, deliberately accessing internet sites containing pornographic, offensive or obscene material or any other such breach of confidentiality;
 - q. bringing the organisation into serious disrepute, including serious misuse of the Council's property or name; and

- r. acceptance of any fee or reward during the course of an employee's duties other than his/her remuneration.

Appeal Procedure

- 23. Employees have a right to appeal against a decision made under the formal disciplinary procedure. Appeals should be made to the Chair of the Appeals Committee, preferably in writing and within a reasonable timescale. 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.
- 24. Employees submitting an appeal must make it clear that they are appealing against the decision and set out the reasons for their appeal.
- 25. A written submission will be prepared by the member of staff, making it clear to the Chair of the Appeals Committee that they are appealing against the decision affecting them, and setting out the reasons for their appeal. Other relevant documentation relating to the hearing will be supplied by the Council representative. All documentation will be made available to Committee members and both parties prior to the hearing.
- 26. A Formal Appeal Hearing will be conducted by the Appeals Committee (substitute members can be drawn from the Full Council), involving the employee and 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 work colleague from the Council, or a trade union representative.
- 27. The procedure for considering the appeal will be as follows:
 - a. The employee (or their representative) should put their case.
 - b. The Council's Representative should then be able to put any questions they have to the employee (or their representative).
 - c. The Committee can then ask questions of the employee (or their representative).
 - d. The Council's Representative should put their case.
 - e. The employee (or their representative) should then be able to put any questions they may have to the Council's Representative.
 - f. The Committee can then ask questions of the Council's Representative.
 - g. The employee (or their representative) sums up their case.
 - h. The Council's Representative then sums up the Council's case.
 - i. The parties withdraw and the Committee reaches its decision (if a point of clarification is necessary, both parties will be invited back).
 - j. Once the Committee has reached its decision it will invite both parties back to inform them of the decision, this will be confirmed in writing within 7 working days.
- 28. The Appeals Committee's decision is final.

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