

KELSALE-CUM-CARLTON PARISH COUNCIL



Chairman: Cllr Alan Revell

Parish Clerk: Elizabeth Flight, 31 Kings Road, Leiston, Suffolk, IP16 4DA

Tel: 01773 355657, E-Mail: clerkkelsalepc@gmail.com/www.kelsalecarlton.org.uk

Kelsale-cum-Carlton Parish Council

Disciplinary Procedure

1. Purpose and Scope

- 1.1 This disciplinary procedure provides a framework to be used in the event that an employee fails to meet the Parish Council's standards of attendance, behaviour and performance or for any breach of any of the terms and conditions of their employment.

2. Principles

- 2.1 This disciplinary procedure is designed to be fair to all and to ensure that employees have a chance to put their side of the case when a disciplinary matter arises.
- 2.2 Any breach of any of the terms of employment, or other serious breaches of contract, misconduct, inefficiency or neglect by an employee while carrying out Council duties may be treated as a disciplinary matter.
- 2.3 Conduct outside working hours which, in the opinion of the Parish Council, affects the performance of professional duties or may bring the Parish Council into disrepute or adversely affect it may also be considered a reason for implementing the disciplinary procedure.

3. Informal Procedure

- 3.1 If an employee's work or conduct is considered unsatisfactory, an informal meeting may be arranged to explain any shortcomings and suggest ways of improving them.
- 3.2 If any conduct or breach is considered sufficiently serious, the Parish Council in its absolute discretion may implement the formal procedure without reference to the informal procedure.
- 3.3 If the informal procedure is adopted, the Parish Council may write to the employee confirming the nature of the problem, agree objectives to remedy it and the timescale within which any breaches must be rectified. The informal warnings may be kept on

file for a period of six months and any further breaches may lead to the formal procedure being implemented.

- 3.4** The formal procedure will be initiated by the Parish Council if the informal procedure fails to result in the desired improvement or in the case of any matter that is considered sufficiently serious.

4. Formal Procedure

Investigation

- 4.1** If there is a concern regarding conduct, the Parish Council will investigate and for this purpose may, at its discretion, suspend the employee from work. The employee will be suspended on full pay. This suspension may last as long as any investigation and disciplinary process is continuing.
- 4.2** In its absolute discretion, the Parish Council may:
- a) Require the employee to attend investigatory hearings for the purpose of being questioned about the allegation(s). Refusal to answer appropriate questions may in itself be regarded as a disciplinary matter.
 - b) Take witness statements from other individuals that were involved in relation to the allegation(s) or who may assist.
 - c) Take time to collate documentary or other evidence that may be relevant to the allegation(s).
- 4.3** The Parish Council will ensure that the investigation is carried out as quickly as possible but there are no time limits relating to the length of the investigation.
- 4.4** If, following any investigation, the Parish Council considers that an employee may have committed a disciplinary offence, they will be informed in writing of the allegation(s) against them and they will be requested to attend a disciplinary hearing.

Oral Warning

- 4.5** In the case of minor offences, a formal oral warning will be issued. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained to the employee. Details of the oral warning will be placed on file but will be disregarded after a period of six months.

Written Warning

- 4.6** In the case of more serious offences or a repetition of earlier minor offences, the employee will be given a written warning and will be informed of the likely consequences of further offences. A copy of the written warning will be placed on file but will be disregarded after a period of twelve months.

Final Written Warning

- 4.7** In the case of a further repetition of earlier offences or in the event that the employee fails to improve or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, the employee will be given a final written warning and will be informed that any reoccurrence may lead to employment being terminated.
- 4.8** Depending on the seriousness of the matter and all the circumstances, any of the above stages may be omitted.

- 4.9 In the case of gross misconduct &/or if the appropriate stages of the formal procedure have been exhausted, employment will normally be terminated.

Appeal

- 4.10 If the employee does not agree with the result of any disciplinary decision, they have the right of appeal provided it is made in writing to the Chairman within three working days of notification. The employee must set out in full the grounds on which the appeal is being made, stating whether it is due to disagreement with the findings of misconduct or the sanction that was imposed.
- 4.11 On receipt of notice of the employee's appeal, the Parish Council shall be entitled to seek such other submissions, orally or in writing, from the employee or such other persons as appropriate.
- 4.12 The employee has the right to a hearing which will be by way of a review of the decision and not a full re-hearing. The employee has the right to have a companion present at the appeal hearing as with the disciplinary hearing.
- 4.13 Where an employee has been dismissed, the date of dismissal will stand if the appeal is rejected and the date of the termination of employment will not be the date that the appeal was rejected.

5. Gross Misconduct

- 5.1 If the Parish Council reasonably forms the view that an employee is guilty of gross misconduct, they may be summarily dismissed.
- 5.2 The following is a non-exhaustive list of examples of offences which the Parish Council may regard as amounting to gross misconduct:
- Accepting any bribes or gifts which could be construed as bribes.
 - Attendance at work while intoxicated or influenced by drugs that have not been prescribed by a medical practitioner.
 - Being abusive or rude to parishioners, contractors or the general public.
 - Breach of rules and regulations relating to health & safety matters that may constitute a danger to the health & safety of the employee, fellow workers or anyone visiting the premises or properties of the Parish Council.
 - Bringing the Parish Council into disrepute by conduct whether at work or outside.
 - Conviction for any offence that is incompatible with employment, which may place the Parish Council in disrepute or which causes the Parish Council to lose trust and confidence in the employee.
 - Damaging the Parish Council's property or the property of an employee with deliberate intent.
 - Discrimination against, or harassment of, any fellow worker, parishioner, contractor or member of the general public on the grounds of sex, race, sexual orientation or disability.
 - Dishonesty at work whether or not it will cause loss to the Parish Council.
 - Dishonesty outside work that may bring the Parish Council into disrepute or is incompatible with employment.
 - Failing to adhere to any statutory or regulatory requirements where such failure is wilful or amounts to gross negligence or incapability.
 - Failing to correctly fill out documents relating to employment which affect qualifications for a job, the ability to carry out the job, or may affect the Parish Council's trust and confidence in the employee.

- Falsification of any of the Parish Council's documents whether or not they give a pecuniary advantage or if it is likely to cause loss to the Parish Council.
- Insubordination to superiors which is incompatible with the employee's position. Insubordination will be regarded as incompatible if it occurs before fellow workers.
- Negligent behaviour which may be gross, or which may affect the Parish Council's trust and confidence in the ability of an employee to carry out their job.
- Misuse of any confidential information belonging to the Parish Council or of information which the Parish Council considers may cause the Parish Council harm or bring it into disrepute.
- Violent behaviour towards fellow workers, parishioners, contractors or members of the general public. This will include physical and verbal behaviour or conduct or words that may be regarded as intimidating.
- Theft or reasonable suspicion of theft or other criminal offence.
- Absence from work that is unauthorised.
- Receiving a custodial sentence regardless of the length of that sentence.
- Inappropriate use of the Parish Council's laptop & the internet.
- Downloading pornographic and other inappropriate material from the internet.

This policy was adopted in August 2018

Signed.....

Date:

Date of review: August 2019