

Reedham Parish Council

Disciplinary Policy

1. Introduction

- i). This policy is based on and complies with the 2015 ACAS Code of Practice.
- ii). It also takes into account the ACAS guide on discipline and grievances at work.
- iii). The policy is designed to help council employees improve unsatisfactory conduct and performance in their jobs. Wherever possible, the council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
- iv). The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2. Key Principles

The Council confirms that

- Informal coaching and supervision will be considered, where appropriate, to improve conduct and/or attendance.
- The council will fully investigate the facts of each case.
- The council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information, see [ACAS Performance Management](#).
- Employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.
- Employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.
- The council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going

ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.

- If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within seven calendar days of the original meeting date, unless it is unreasonable not to propose a later date.
- Any changes to specified time limits in the council's procedure must be agreed to by the employee and the council.
- Information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
- Audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- Employees have the right to appeal against any disciplinary decision. The appeal decision is final.
- If an employee who is already subject to the council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure.
- Disciplinary action taken by the council can include a written warning, a final written warning or dismissal.
- This procedure may be implemented at any stage if the employee's alleged misconduct warrants this.
- Except for gross misconduct, when an employee may be dismissed without notice, the council will not dismiss an employee on the first occasion that it decides there has been misconduct.
- If an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The council will write to the employee to confirm any period of suspension and the reasons for it.
- The council may consider mediation at any stage of the disciplinary procedure where appropriate (for example, where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties.

3. Examples of misconduct

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct (the list is not exhaustive):

- Unauthorised absence.
- Poor timekeeping.
- Misuse of the council's resources and facilities, including telephone, email and internet.
- Inappropriate behaviour.

- Refusal to follow reasonable instructions.
- Breach of health and safety rules.

4. Examples of gross misconduct

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct (the list is not exhaustive):

- Bullying, discrimination and harassment.
- Incapacity at work because of alcohol or drugs.
- Violent behaviour.
- Fraud or theft.
- Gross negligence.
- Gross insubordination.
- Serious breaches of council policies and procedures, e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology.
- Serious and deliberate damage to property.
- Use of the internet or email to access pornographic, obscene or offensive material.
- Disclosure of confidential information.

5. Suspension

- i). If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- ii). While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or discuss this matter with any other employee or councillor.
- iii). The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

6. Examples of unsatisfactory work performance

The following list contains some examples of unsatisfactory work performance (the list is not exhaustive):

- Inadequate application of management instructions/office procedures.
- Inadequate IT skills.
- Unsatisfactory management of staff.
- Unsatisfactory communication skills.

7. Preliminary Enquiries and Informal Action

- Preliminary enquiries. The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.
- If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.
- Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

8. Disciplinary investigation

- i). If a formal investigation is required, the Staffing Committee will appoint an independent Investigator.
- ii). The Investigator will be one impartial individual, normally a councillor who is not a member of the Staffing Committee and who has had no prior involvement in the matter.
- iii). Where no councillor is suitably independent, the Council may appoint an external Investigator.
- iv). The Staffing Committee will provide the Investigator with written terms of reference.
- v). The employee will be informed in writing of the allegations and the name and contact details of the Investigator.
- vi). The Investigator will gather relevant evidence, which may include:
 - interviewing the employee
 - interviewing witnesses
 - reviewing documents or other material
- vii). The employee may be invited to an investigatory meeting and may be accompanied by a workplace colleague, trade union representative, or trade union official.
- viii). The Investigator will prepare a written report summarising the evidence. The Investigator's report will contain their recommendations and the findings on which they were based. They will recommend either:
 - The employee has no case to answer, and there should be no further action under the council's disciplinary procedure.
 - The matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally.
 - The employee has a case to answer, and a formal hearing should be convened under the council's disciplinary procedure.

- ix). The report will be submitted to the Staffing Committee, which will make a recommendation to Full Council on whether there is a case to answer.
- x). Full Council will decide whether to proceed to a disciplinary hearing.
- xi). If the council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

9. Disciplinary Hearing

- i). If Full Council decides that there is a case to answer an advisory Disciplinary Panel of three councillors will be appointed to consider the case and make recommendations to Full Council. The Disciplinary Panel has no delegated authority to determine any outcome. One member will be appointed Chair.
- ii). No councillor with direct involvement in the matter shall be appointed to the Disciplinary Panel.
- iii). The Investigator shall not sit on the Disciplinary Panel.
- iv). The employee will be invited, in writing, to attend a disciplinary meeting. The letter should contain the following:
 - The names of its chair and the other two members.
 - Details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting.
 - A copy of the information provided to the Disciplinary Panel, which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure.
 - The time and place for the meeting. The employee will be given reasonable notice of the hearing so that they have sufficient time to prepare for it.
 - Whether witnesses may attend on the employee's and the council's behalf, and if they may, both parties should inform each other of their witnesses' names at least two working days before the meeting.
 - The employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- v). At the hearing:
 - The chair will introduce the members of the Disciplinary Panel to the employee and explain the arrangements for the hearing.
 - The chair will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation).
 - The chair will invite the employee to present their account.
 - The employee (or the companion) will set out their case and present evidence (including any witnesses and/or witness statements).
 - Any member of the Disciplinary Panel and the employee (or the companion) may question the Investigator and any witness.

- The employee (or companion) will have the opportunity to sum up.
- vi). The Disciplinary Panel will adjourn if further investigation is required.
- vii). The Disciplinary Panel will make a recommendation to Full Council.

10. Decision

- i). Full Council will consider the Disciplinary Panel's recommendation in confidential session and will make the final decision.
- ii). The employee will receive the decision and reasons in writing within seven calendar days.
- iii). The employee will be informed of their right to appeal.
- iv). If Full Council decide to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

11. Disciplinary Sanctions

Full Council may impose

First Written Warning:

If the employee's conduct has fallen below acceptable standards, a first written warning will be issued. A first written warning will set out:

- The reason for the written warning, the improvement required (if appropriate) and the time period for improvement.
- That further misconduct/failure to improve will result in more serious disciplinary action.
- The employee's right of appeal.
- That a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final Written Warning:

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- The reason for the final written warning, the improvement required (if appropriate) and the time period for improvement.
- That further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal.
- The employee's right of appeal.
- That a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal:

Full Council may dismiss:

- For gross misconduct.
- If there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning.
- If another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The council will consider very carefully a decision to dismiss. If an employee is dismissed, they will receive a written statement of the reasons for their dismissal, the date on which the employment will end and details of their right of appeal.

Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

12. Appeal

- i). An employee who is the subject of disciplinary action will be notified of the right of appeal. Their written notice of appeal must be received by the council within seven calendar days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
- ii). The grounds for appeal include:
 - A failure by the council to follow its disciplinary policy.
 - The disciplinary action was too severe in the circumstances of the case.
 - New evidence has come to light since the disciplinary meeting.
- iii). Where possible, the appeal will be considered by an advisory Appeal Panel of three members of the Staffing Committee who have had no previous involvement in the case, this includes the Investigator. The Appeal Panel will review the grounds of appeal and make recommendations to Full Council, which retains sole authority to determine the appeal. There may be insufficient members of the Staffing Committee who have not previously been involved. If so, the Appeal Panel will be a committee of three members of the council who may include members of the Staffing Committee. The Appeal Panel will appoint a chair from one of its members.
- iv). The employee will be notified, in writing, within 14 calendar days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that they may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- v). At the appeal meeting, the chair will:

- Introduce the Appeal Panel members to the employee.
 - Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision.
 - Explain the action that the Appeal Panel may take.
- vi). The employee (or companion) will be asked to explain the grounds for appeal.
- vii). The Appeal Panel will consider the grounds of appeal and make a recommendation to Full Council.
- viii). Full Council will make the final decision, which will be confirmed in writing.
- ix). If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- x). The Council's decision is final.

13. Review

This policy will be reviewed at least every three years or sooner if legislation or guidance changes.

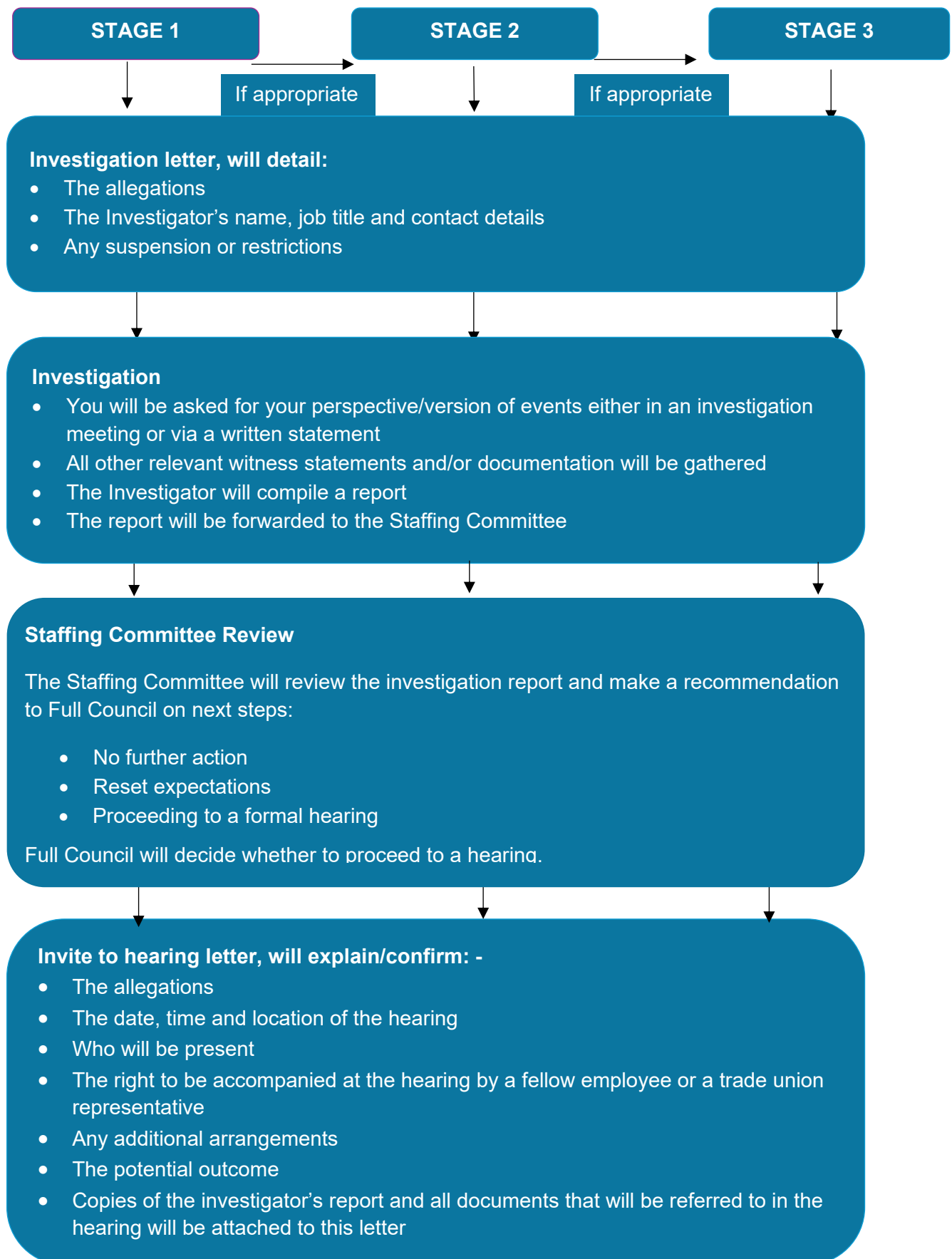
Adopted: March 2026

Supersedes: Grievance and Disciplinary Procedures Sept 23

Review Period: 3 Yearly

Review Date: March 2029

DISCIPLINARY PROCESS FLOWCHART



The Hearing

- A disciplinary panel of three councillors will conduct the hearing.
- One member of the panel will act as Chair of the hearing
- A note-taker may be present. A Human Resources adviser may attend if appropriate
- The Chair will explain the role of all those in attendance, the allegations and go through the evidence that has been gathered
- You will be given the opportunity to respond in full. This will include time to ask questions and present evidence. If you intend to call any witnesses, you must give us advance written notice that you intend to do this
- The panel will adjourn at the end to consider its recommendation to Full Council
- Full Council will decide the outcome and issue the outcome letter
- You will be informed of the outcome verbally (either in person or by phone) and then in writing

**Potential outcome:
First Written
warning**

**Potential outcome:
Final Written
warning**

**Potential outcome:
Dismissal (with or
without notice/pay
in lieu of notice)**

Outcome letter will advise:

- The nature of the misconduct that has led to the outcome (including any prior warnings that have been taken into account, if appropriate)
- The action or improvement required
- The timescale for implementing such action (if relevant)
- That this is a first/final written warning and that the next stage may be final written warning/dismissal if there is no sustained improvement or change
- That the warning will remain live for 12 months
- That whilst the warning will not remain active after this time in relation to future disciplinary matters, a record of what has occurred will be kept and may be referred to if relevant
- The right of appeal

Outcome letter will advise:

- The reasons for dismissal
- Any prior warnings that have been taken into account, if appropriate
- The date on which employment will end
- The right of appeal