

# BRAMERTON PARISH COUNCIL

## DISCIPLINARY PROCEDURE

### PURPOSE

1. This procedure sets out the action which will be taken when the Council's rules or acceptable standards are breached.

### PRINCIPLES

2. This procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
3. At every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and be accompanied by a representative of your choice.
4. You will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
5. You have a right to appeal against any disciplinary action taken against you.
6. The procedure may be implemented at any stage of your alleged misconduct warrants such action.
7. If you request, you have the right to be accompanied at a disciplinary hearing by a fellow worker or trade union official.

### INFORMAL RESOLUTION

8. Before taking formal disciplinary action, the Council will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

### FIRST WARNING

9. If your conduct or performance is unsatisfactory, you will be given a written warning or performance note. Such warnings will be recorded, but disregarded after a subsequent period of six months' satisfactory service. You will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where a matter is sufficiently serious – for example because it is having, or is likely to have, a serious harmful effect on the Council, it may be considered necessary to move directly to a final written warning.)

### FINAL WRITTEN WARNING

10. If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement or change results within 12 months, you may be subject to dismissal. Unless dismissal involves gross misconduct, employees will receive a period of notice, or payment in lieu.

## **DISCIPLINE AND DISMISSAL**

11. If you face dismissal or action short of dismissal such as loss of pay or demotion – the following minimum statutory procedure will be followed:
  - i. you will receive a written note setting out the allegation and the basis for it
  - ii. a meeting will be held to consider and discuss the allegation
  - iii. you will be given a right of appeal, including an appeal meeting
  - iv. you will be reminded of your right to be accompanied at any meetings.

## **GROSS MISCONDUCT**

12. If after investigation, it is confirmed that you have committed an offence of the following nature (the list is not exhaustive) the normal consequence will be dismissal without notice and with no payment in lieu of notice: theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.
13. Whilst alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal rate of pay. Any decision to dismiss you will be taken by the Council only after full investigation.

## **APPEALS**

14. If you wish to appeal against any disciplinary decision, you must appeal, in writing, within five working days of the decision being communicated to you by the Council. Only Councillors who were not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible.