



# Disciplinary Procedure

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| Date of adoption | 2009  |
| Reviewed         | February 2022, 1 <sup>st</sup> October 2025 |
| Next Review Date | As required                                 |
| Reviewed By      | Staffing Committee                          |

## Purpose and Scope

This Disciplinary Procedure is designed to help and encourage all employees to achieve and maintain high standards of conduct and performance while at work or representing the Council. The aim is to ensure consistent, fair, and lawful treatment for all employees in accordance with the [Equality Act 2010](#).

The procedure is prepared in accordance with the [Employment Act 2008](#), the [ACAS Code of Practice \(2015\)](#), and the [ACAS Guide on Discipline and Grievances at Work \(2019\)](#). It also reflects the requirements of the [UK GDPR and the Data Protection Act 2018](#).

## Principles

- No disciplinary action will be taken until the case has been fully investigated.
- The Town Clerk will make the initial decision on whether referral to the Staffing Committee is appropriate.
- At every stage, employees will be informed in writing of the nature of the complaint and given an opportunity to state their case before any decision is made.
- At all formal stages, employees have the right to be accompanied by a workplace colleague, a trade union representative, or a trade union official.
- Records relating to disciplinary action will be kept confidential and processed in line with UK GDPR and the Data Protection Act 2018.
- Audio or video recordings of proceedings are not permitted, unless agreed as a reasonable adjustment for a medical condition.
- No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct.
- Employees have the right to appeal against any disciplinary sanction. The appeal decision is final.
- If an employee already subject to disciplinary proceedings raises a grievance, the grievance will normally be heard after the disciplinary process concludes.
- The procedure may be initiated at any stage if the seriousness of the alleged misconduct warrants it.
- Informal coaching and supervision will be considered, where appropriate, to improve conduct or attendance.
- Performance issues will first be addressed through performance management. This policy will only be used if performance management measures have not achieved the required improvements.
- Suspension will only be used where necessary, on full pay, and subject to regular review. It is not a disciplinary sanction.
- Mediation may be considered at any stage, subject to the agreement of all parties, to resolve issues such as communication breakdowns or allegations of bullying or harassment.

## Misconduct and Gross Misconduct

**Misconduct** is behaviour that may result in disciplinary action. Examples include:

- Unauthorised absence.
- Persistent or frequent short-term absences without medical reason.
- Lateness or poor timekeeping.
- Inappropriate dress.
- Minor breaches of health and safety rules.
- Failure to perform duties to the required standard.
- Time wasting.
- Disruptive behaviour.
- Misuse of Council facilities (e.g., telephones, computers, vehicles, email, or internet).
- Refusal to follow reasonable instructions.
- Smoking in unauthorised areas.
- Failure to comply with Council procedures.

*This list is illustrative, not exhaustive.*

**Gross misconduct** is serious behaviour that may justify dismissal without notice. Examples include:

- Theft, fraud, or dishonesty.
- Violent, abusive, or intimidating behaviour.
- Deliberate damage to Council property or that of employees/members.
- Gross incompetence or negligence placing others at risk.
- Being under the influence of drugs or alcohol at work.
- Discrimination, harassment, or victimisation.
- Serious insubordination.
- Breach of confidentiality or unauthorised access to records.
- Serious breach of Council policies (e.g., Health & Safety, IT, or Security).
- Actions that bring the Council into disrepute, whether on or off duty.
- Accepting bribes or unauthorised use of Council funds.
- Sharing information with external parties that places the Council at risk.

*This list is illustrative, not exhaustive.*

### **Informal Action**

Minor misconduct will normally be dealt with informally through a confidential meeting between the employee and their manager. A file note may be kept. If the matter concerns the Town Clerk, it will be addressed informally by the Staffing Committee. Where informal action does not resolve the issue, or the matter is more serious, the formal procedure will apply.

### **Formal Action**

The level of sanction will depend on the seriousness of the misconduct and any previous conduct record. In cases of gross misconduct, proceedings may begin at Stage 4.

## **Disciplinary Letters**

- Employees will receive written notice of allegations and the reasons the behaviour is unacceptable.
- The letter will confirm the stage of the procedure, the date/time of the meeting, the right to be accompanied, and any evidence to be presented.

## **Disciplinary Meetings**

- Meetings will be held promptly but with sufficient time for preparation (normally within 5 working days of written notification).
- Employees may present evidence, call witnesses, and question evidence presented.
- Meetings will be rescheduled if absence is due to valid unforeseen circumstances.

## **Outcomes and Sanctions**

- **Stage 1 – Oral Warning:** First minor offence. Record kept for 6 months.
- **Stage 2 – Written Warning:** For more serious or repeated misconduct. Record kept for 12 months.
- **Stage 3 – Final Written Warning:** For continued misconduct or serious offences. Record kept for 2 years.
- **Stage 4 – Dismissal or Other Sanction:** For gross misconduct or repeated misconduct after prior warnings. Decision made by a properly convened panel. Employee will receive written reasons, termination date, and right of appeal.

## **Suspension**

- Suspension may be applied in cases of alleged gross misconduct.
- It will be on full pay, as brief as possible, and regularly reviewed.
- The employee must remain available during normal working hours and avoid contact with colleagues involved in the investigation.
- The investigator will not participate in the final decision-making process to ensure impartiality.

## **Appeals**

Employees may appeal against disciplinary sanctions within **5 working days** of receiving the decision, stating their grounds. Appeals may be based on:

- Unfair or disproportionate sanction.
- New evidence.
- Failure to follow the disciplinary procedure.

## **Appeal Process**

- Appeals will be heard by a panel of members not previously involved.
- Employees will be notified in writing within 10 working days of the appeal being lodged.
- Employees may be accompanied by a colleague or trade union representative.
- The appeal decision will be provided in writing within 5 working days and will be final.

## **Right to be Accompanied**

Employees have the statutory right to be accompanied at all formal stages by:

- a workplace colleague, or
- a trade union representative/official.

The companion may address the meeting, present the employee's case, and confer privately. They may not answer questions on the employee's behalf or prevent the employee from speaking.

## **Grievances Raised During Disciplinary Proceedings**

Where an employee raises a grievance during disciplinary proceedings, the process will normally be paused until the grievance is resolved. In exceptional cases, both processes may run concurrently, with advice taken as appropriate.

## **Criminal Charges or Convictions**

An employee charged with or convicted of a criminal offence will not automatically face disciplinary action. Consideration will be given to whether the matter affects their role, the Council's reputation, or relationships at work.

## **General Procedural Information**

- Verbal and written warnings will normally be issued by the employee's line manager or the Town Clerk.
- Where the Town Clerk is subject to proceedings, these will be managed by the Staffing Committee.