

# TELSCOMBE TOWN COUNCIL



## DISCIPLINARY POLICY & PROCEDURE

The disciplinary process has been designed to help and encourage you to achieve and maintain good standards of conduct, attendance and job performance. On occasions people may fall short of the expected standards of behaviour or performance in these circumstances disciplinary action may be taken. The Disciplinary Procedure applies to all TTC's employees who have satisfactorily completed a probationary period with the Council.

At all stages of the disciplinary procedure you will:

- be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken;
- where appropriate be provided with written copies of evidence and relevant witness statements in advance of a disciplinary hearing;
- be advised of the nature of any disciplinary action taken against you and the consequences of such action;
- be advised of any improvement in conduct or performance required and over what time frame;
- have the opportunity to be accompanied by a work colleague or Trade Union representative to any disciplinary hearing as described above;
- have informal coaching and supervision, where appropriate to improve conduct and/or attendance before disciplinary action is taken;
- have the right of appeal against any disciplinary action;

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

Disciplinary hearings will usually be conducted by your manager and a member of the Employment Committee.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting the Employer may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

At the meeting you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence and call witnesses.

Depending on the severity of the offence and taking into account all the circumstances the disciplinary action may take any one of the following forms:-

### **Stage 1 – First Written Warning**

- If we have concerns about your conduct we will write to you explaining the concerns and invite you to a formal disciplinary hearing to discuss the concerns. This will give you an opportunity to give your perspective. You will have the right to be accompanied to the meeting.

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- Following a disciplinary hearing if your conduct has fallen beneath the acceptable standards a first written warning will be issued. This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement and the right of appeal. It will also state that further disciplinary action will be followed if the required standards are not met. One copy will be retained by you and one placed on your file normally for a maximum of 12 months.
- The warning will be taken into account should any further misconduct occur (whether for similar circumstances or not) within a specified time.

## **Stage 2 – Final Written Warning**

- If the offence is sufficiently serious, or there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, we will write to you again explaining the concerns and invite you to a formal disciplinary hearing to discuss the concerns. This will give you an opportunity to give your perspective. You have the right to be accompanied to the meeting.
- Following a disciplinary hearing if your conduct has fallen beneath acceptable standards, a final written warning may be issued. This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement and the right of appeal. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy of which will be retained by you and one placed on your file normally for a maximum of 12 months.

## **Stage 3 - Dismissal**

- If there is still further misconduct or a failure to improve sufficiently we will write to you again explaining the concerns and invite you to a formal disciplinary hearing to discuss the concerns. This will give you the opportunity to give your perspective. You have the right to be accompanied to the meeting.
- Following a disciplinary hearing if your conduct has fallen beneath acceptable standards or if there has been insufficient improvement you may be dismissed. If you are dismissed you will be provided in writing with the reasons for dismissal, the date on which the employment will terminate and the right of appeal.

Where there has been alleged Gross Misconduct it is likely that you will be suspended from work on full pay while the alleged offence is investigated. If on completion of the investigation TTC is satisfied that gross misconduct has occurred, the result will normally be summary dismissal (dismissal without notice) or pay in lieu of notice. In extenuating circumstances we may apply another sanction such as disciplinary transfer, disciplinary suspension without pay or where you are in a supervisory or management role demotion to a lower grade role. This will be confirmed in writing.

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## Appeals

You have the right of appeal against any disciplinary decision taken against you. Your appeal should be in writing and received by the Chairman of the Employment Committee within five working days of the decision stating the reasons for your appeal. You will receive a reply, usually within a further five working days, setting a date for an appeal hearing. The decision from the appeal hearing will be final.

## Disciplinary Rules

The following are examples of Misconduct and Gross Misconduct. These are examples only and not exhaustive or exclusive and are intended to set safe and efficient standards of performance and acceptable levels of conduct. The rules apply to all employees regardless of their length of service or the length of their contract.

### Misconduct:-

- Poor time keeping.
- Unauthorised and unreasonable absence from work.
- Failure to meet the adequate standard of job performance.
- Failure to comply with procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Employer regulations.
- Improper use of business funds or property.
- Breach of confidentiality
- Failure to preserve the dignity, respect and privacy of others or behaviour that would breach harmony in the workplace
- Placing inappropriate, derogatory or offensive comments on social networking sites which affect staff, members or suppliers
- Impropriety or disorderly conduct whether within or outside working hours which TTC reasonable considers to be detrimental to or conflicting with the interest of TTC
- Failure to disclose a personal interest which conflicts with TTC
- Any act or omission which, after investigation and due consideration to the individual circumstances is believed to amount to misconduct

### Gross Misconduct:-

The following acts are examples of gross misconduct and conduct which is considered as extremely serious. They will normally lead to dismissal or summary dismissal unless there are exceptional mitigating circumstances. Should you commit a criminal act; the matter will be referred to the police.

- Theft or wilful damage of or negligence which leads to loss, damage to property or goods belonging to the Employer, its customers or suppliers, or other employees.
- Unreasonably refusing to the Employer searching your bags or vehicle.
- Unauthorised disclosure or use of confidential information from the Employer or about any of its customers.
- Conduct likely to damage the reputation of the Employer.

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- Serious incapability at work brought on by the use of alcohol and unlawful drug abuse.
- Discrimination because of disability, race, sex, pregnancy and maternity, marriage and civil partnership, gender re-assignment, age, religion and belief or sexual orientation or harassment or bullying of colleagues or clients.
- Accepting bribes.
- Fraud, bribery, dishonesty or any other offence which would be a breach of the law of the land.
- Assault or attempted assault of other employees or members of the public.
- Failure to carry out a reasonable order given by a Manager during working hours or serious disregard of duties.
- Serious insubordination.
- Serious breaches of the IT security policy.
- Serious breaches of the Health and Safety policy.
- Behaviour inside and outside of work which is liable to bring TTC into disrepute.
- Serious breach of trust and confidence.
- Abandoning duty without permission.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Any act or omission which, after investigation and due consideration to the individual circumstances is believed to amount to misconduct.

## HR Adviser

TTC may utilise the services of an HR Adviser to advise on the Disciplinary Procedure and attend meetings.