PORINGLAND PARISH COUNCIL

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Disciplinary Policy

Policy Reference	PPC 20
Version Number	3
Associated Documents	• PPC8 Code of Conduct – Staff • PPC15 Dignity at Work Policy • PPC2 Grievance Policy • PPC 23 Performance Management and Appraisal Policy
Last Review Date	June 2025
Frequency of Review	Annually
Approved by	Full Council
Date for Next Review	June 2026

This is a non-contractual policy that does not require approval from employees before changes are made. Staff will remain bound by amended non-contractual policies.

DISCIPLINARY POLICY

Introduction

Poringland Parish Council aims to ensure that there will be a fair, systematic and consistent approach in the enforcement of standards of conduct and performance in the workplace. By adhering to this Disciplinary Policy, which has been aligned to the ACAS Disciplinary Code of Practice, the Council endeavours to resolve all matters quickly, efficiently, fairly and as near as possible to the point of origin.

All employees are expected to maintain a reasonable standard of conduct and performance at all times. Where this does not occur, the Council reserves the right to commence disciplinary proceedings.

Employees will not usually be dismissed for a first act of misconduct except in cases regarded as gross misconduct, which will normally result in summary dismissal. The penalty for gross misconduct will normally be dismissal without notice and without pay in lieu of notice. Examples of misconduct/gross misconduct are provided below.

Depending on the circumstances, it may be appropriate for an employee to be suspended from work while an alleged disciplinary offence is investigated. Suspension will be on basic pay, and will be entirely without prejudice.

Policy Objectives

In the event of disciplinary proceedings, the purpose of the policy is to:

- support the effective and efficient running of the Council by maintaining reasonable standards of performance and conduct;
- ensure consistency and fairness of approach;
- ensure that employees understand both the process and the potential outcomes of any disciplinary proceedings.

Informal Discussions

Wherever possible, management will attempt to resolve on-going issues and concerns through informal discussions. However, the Council accepts that some disciplinary offences, for example those that may be deemed to be acts of gross misconduct, will not be resolved informally.

Stage 1 – Investigation

Whenever disciplinary action is contemplated, the Parish Clerk will make a reasonable investigation of the circumstances first. This will normally involve the employee being interviewed, being advised of what is being alleged against him/her, and being advised of any rights under the procedure, including the right to be accompanied.

Stage 2 – Disciplinary Hearing

A disciplinary hearing will normally be conducted by the Chairman and Vice Chairman of the Council, and the Chairman of the HR Advisory Group. Where one person holds two of these roles, a member of the HR Advisory Group will be appointed to the Panel instead. Where necessary the Parish Clerk may be instructed to support this process but will not be in a decision-making role.

Any member of management responsible for the investigation of the disciplinary offence(s) shall not be involved in making decisions about the outcome of a disciplinary hearing, although such managers may be present within the hearing to provide their disciplinary investigation conclusions, plus any supporting facts and material. The employee will be entitled to be given a full explanation of the case against him/her, and to set out his/her case, and answer any allegations. Both the employer and the employee are entitled to call witnesses where this is relevant, but must give reasonable notice to the other party of who will be attending and provide any written statements in advance.

As soon as possible after the conclusion of the disciplinary hearing, the employee will be informed of what disciplinary action, if any, is to be taken.

Where an employee refuses or is unable to attend a disciplinary hearing, without good reason, the Council reserves the right to hold the hearing in the employee's absence.

Role of Companion

Employees have the right to be accompanied by a colleague or trade union representative at all stages of the procedure, and are expected to inform the employer in advance if a companion will be attending.

The employee's chosen companion has the right to address the hearing to put forward the employee's case, sum up the case and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, the Council will not permit the companion to answer questions on behalf of the employee, or to address the hearing where the employee indicates that he/she does not wish this.

Potential Outcomes of a Disciplinary Hearing

There are five possible outcomes of a disciplinary hearing:

- no action being taken;
- verbal warning;
- first written warning;
- final written warning;
- dismissal.

A warning will normally state:

- why it was given;
- what improvement is required and, if appropriate, over what period;
- what action will be taken if there is not the required improvement in performance/conduct, or the action if a particular reoccurrence should happen;
- how long it will be kept on file.

A report of the warning(s) will be entered in the employee's personnel file detailing the nature of the breach of disciplinary rules, of the action taken and reasons for it, the date action is taken, whether an appeal is lodged, its outcome, and any subsequent developments.

Warnings will be disregarded after a period of satisfactory conduct/performance, which is set by management. The set period will be dependent upon the severity of the breach.

Alternatives to Dismissal
Where a final warning is given to an employee the Council may also impose on the employee:

- demotion;
- transfer to a different job.

The above sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal.

Stage 3 – Appeal
Any employee has the right to appeal against any disciplinary action taken against them. This must be sent in writing to the Parish Clerk within five working days of the disciplinary sanction being imposed against them.

When lodging an appeal, the employee should state:

- the grounds of appeal;
- whether he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal. Appeals will be heard by a manager who was not involved in the original disciplinary action. The decision reached following an appeal will be final.

Notes
The time schedule in this procedure will be subject to individual commitments and may be extended by mutual agreement of both parties.
The Council reserves the right to engage an independent equivalent to conduct any of the stages above, where management are not able to do so for any reason.

Confidentiality
Proceedings in investigations, disciplinary interviews/hearings and appeal hearings shall remain strictly confidential.

Examples of 'Gross Misconduct' are:

- theft of Council, customer's, or another employee's property;
- unauthorised removal of Council, customer's, or another employee's property from Council or customer's property or sites;
- vandalism to Council, customer's, or another employee's property;
- fighting, provoking or instigating a fight on Council premises or whilst working for the Council;
- incapacity at work due to intoxicants or non-prescribed drugs;
- gross negligence;
- possession of an offensive weapon on Council premises or whilst working for the Council;

- disclosing or attempting to disclose confidential Council information to competitors or potential competitors;
- violation of safety rules, or disregarding safety of themselves or others;
- disclosing information in bad faith or to intentionally disrupt the Council etc;
- falsification of any document e.g. time sheet or attendance record;
- wilful refusal to comply with a lawful and reasonable management request;
- discrimination, harassment or bullying whilst working for the Council;
- sexual misconduct at work;
- bribery offences under the Bribery Act 2010.

Examples of behaviour or events that normally result in a warning but may, depending upon the seriousness of the circumstances, result in dismissal are:

- verbal abuse to customers, colleagues or management;
- misuse of Council or customer's property;
- absence from the job without reasonable cause or permission;
- frequent lateness and/or absence;
- performance that is considered to be consistently unsatisfactory;
- disregard or abuse of any Council policy.

N.B. The above lists of examples are not exhaustive lists. Management reserves the right to include other behaviour/events that may warrant disciplinary action.