



Agenda Item
18(4)

Disciplinary Policy

Introduction

Ledbury Town Council offers a high standard of service to the local community. To enable it to operate effectively and efficiently all employees are expected to perform to a high standard, both in performance of their duties and in their general conduct. During the course of their employment all appropriate support and advice will be provided to help all employees achieve both their own and the Council's expectations.

No disciplinary sanction will be taken against an employee until the case has been thoroughly investigated. When an investigation into an allegation of misconduct is commenced there should be no assumption by any party that a disciplinary sanction will necessarily follow.

No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty may be dismissal, with, or without, payment in lieu of notice.

Ledbury Council recognises the statutory Code of Practice issued by ACAS and follows the guidelines provided.

Procedure

Wherever possible informal or formal counselling will be undertaken to resolve matters and correct the situation. Where improvement is required the employee will be given clear guidelines to :-

- What is expected in terms of improving their shortcomings in conduct or performance.
- The help and guidelines the employee will receive
- The timescales for improvement
- When a review will take place
- The next steps that may be necessary if the required improvements do not take place

A record of the counselling discussion should be given to the employee and a copy placed in their personnel file.

The employee should be regularly monitored over an agreed timescale and improvements recognised and recorded.

Once the counselling objectives have been achieved any records relating to the process should be removed from the employees file and archived.

Where the counselling fails to achieve the required improvements within the agreed timescale or where the matter is more serious, and counselling is not appropriate the following procedure will be followed :-

- Where an allegation is made, the Town Clerk will appoint an investigating Officer to carry out a full and thorough investigation. The Investigating Officer will make recommendations to the adjudicating Officer on whether there is a case to answer.
- Statements should be taken from witnesses if appropriate.
- All the relevant facts should be gathered promptly, and any physical evidence should be preserved and/or recorded.
- Following the investigation, the employee should be given a copy of the investigatory report and all supporting documentation detailing the allegations made. They should be advised of the intention to convene a disciplinary hearing and of their right to be accompanied by a Trade Union Representative or Colleague.
- **If disciplinary action is being contemplated against a Trade Union Representative a summary of the circumstances must be communicated to a senior Trade Union Official or the Trade Union involved.**

Disciplinary Hearing

- The employee should be given sufficient notice in writing of the hearing to allow them to prepare for their case, this should be at least 5-working days and an extension may be permitted if the investigation report is very detailed
- The employee must be advised in writing that they may be accompanied at the hearing by their Trade Union Representative or a work colleague
- At the hearing the Investigating Officer will present their findings and call any witness who may be questioned by the employee or their representative
- The employee will present their case, calling witnesses if required who may be questioned by the employee, their representative or the Adjudicating Officer
- When all the evidence has been heard the employee should be told that they will be advised of the outcome within 5-days and the hearing ended
- The Adjudicating Officer will decide on the course of action to be taken and report their findings to the Town Clerk.
- The employee should be advised in writing of the decision within 5-working days and of their right of appeal which must be made in writing to the Town Clerk within 10-working days of receipt of decision.

- If an employee fails to attend a hearing, they must advise the Investigating Officer as soon as possible of their reason. The Investigating Officer will arrange a further meeting and advise the employee by recorded delivery.
- If the employee fails to attend the re-arranged hearing without explanation the hearing will proceed, and the employee's representative may be present.

Disciplinary Sanctions

Stage	Action	Outcome
1	Performance or behaviour not up to acceptable standard	Verbal warning (recorded) to remain on file for 6-months
2	Performance or behaviour still not up to standard or of a more serious nature	Written warning To remain on file for 12-months
3	Performance or behaviour still not up to acceptable standard	Final written warning advising employee that if substantial improvements are not made further action, including dismissal may result. To remain on file for 18-months
4	Performance or behaviour still not up to standard or an act of Gross Misconduct committed	Dismissal with or without pay in lieu of notice or Downgrading of disciplinary action in the case of action short of dismissal

Appeals

If an employee wishes to appeal against a disciplinary hearing or decision, they or their representative must inform the Town Clerk within 10-working days of receipt of the notification of the disciplinary action. The appeal must be in writing and include full details on the reasons supporting the appeal.

The Town Clerk will arrange an appeal meeting at the appropriate level within 15-working days (**See Appendix 2**)

- A full report of the disciplinary hearing, subsequent action and any other relevant documents must be forwarded to the person/panel hearing the appeal
- The employee or their representative should provide a report setting out the grounds for the appeal and details of any new evidence in support
- Copies of both reports will be forwarded to each party
- Witnesses may be called by either party with the prior agreement of the person/panel hearing the appeal
- The employee or their representative may be questioned and re-examined by the Investigating Officer and the person/panel hearing the appeal
- The Investigating Officer will put forward their case and introduce witnesses

- The Investigating Officer and witnesses may be questioned and re-examined by the employee or their representative
- The employee or their representative and the Investigation Officer will sum up but will not introduce new evidence
- Both parties will withdraw, but remain available to return if the person/panel hearing the appeal wish to clarify a point
- The decision will be communicated to the employee in writing within 5 working days of the appeal

The decision of the appeal is final.

APPENDIX 1 – Disciplinary Offences Guidelines

Examples of Minor Misconduct

This is a list of examples of misconduct which may warrant either a verbal warning or a first written warning. It must be stressed that this list is not exhaustive and that on all occasions a full and proper investigation will take place prior to the issue of a warning.

- Persistent lateness or poor timekeeping
- Absence from work, including going absent during work, without a valid reason or authorisation
- Smoking in unauthorised areas
- Failure to work to an agreed standard
- Unreasonable standards of dress or personal hygiene

Example of Gross Misconduct

This is a list of examples of misconduct which may warrant a final warning, demotion or dismissal. It must be stressed that this list is not exhaustive and that on all occasions a full and proper investigation will take place prior to the issue of a warning, demotion or dismissal.

- Dishonesty, fraud, theft, embezzlement, or any action calculated to assist others in such activities
- Breach of confidentiality or security prejudicial to the interests of Ledbury Town Council
- Email or internet abuse
- Unauthorised possession of, or malicious damage to, property of or in the care of Ledbury Town Council
- Incapable of carrying out duties due to the influence of illegal drugs or alcohol
- Bullying or harassment
- Criminal offences committed within working hours or on the Council premises
- Failure to adhere to Council rules, policies or procedures
- Fighting, assault or attempted assault or breach of the peace

APPENDIX 2 – Levels of Responsibility for Disciplinary Dismissals

MANAGEMENT LEVEL	ACTION	APPEAL
Mayor/Chairman	Dismissal of Town Clerk	Resources Committee
Town Clerk	All Dismissals	Resources Committee

Levels of Responsibility for Disciplinary Warnings

MANAGEMENT LEVEL	ACTION	APPEAL
Mayor/Chairman	Warnings to Town Clerk	Resources Committee
Town Clerk	Warnings to Deputy Clerk	Resources Committee
Deputy Clerk	Warnings to all other staff	Town Clerk

Date adopted by the Council –

Date for Review -