



LEDBURY
TOWN COUNCIL

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 or poor performance via the capability policy, 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 follow the guidelines provided.

Equality

In putting this procedure into practice, no aspect of this procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability and/or union membership or any other grounds likely to place anyone at a disadvantage, in accordance with the Equality Act 2010.

Procedure

Wherever possible informal or formal Performance Management 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 Performance Management 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 Performance Management objectives have been achieved any records relating to the process should be removed from the employees file and archived.

Where the Performance Management fails to achieve the required improvements within the agreed timescale or where the matter is more serious, and Performance Management 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 Town Clerk or HR Consultants 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.**

If it is considered that a Disciplinary Hearing should be held it will be carried out in accordance with the ACAS Code of Practice which can be found at: <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

APPENDIX – 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 – 30 May 2020

Date for Review – 29 May 2022