



LISS PARISH COUNCIL DISCIPLINARY POLICY

Liss Parish Council (“LPC”) has adopted this Disciplinary Policy to promote and maintain high standards of behaviour by employees.

1. PURPOSE AND SCOPE

- 1.1 This disciplinary policy is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to: -
 - 1.1.1 Fulfil the duties specified in their contract of employment.
 - 1.1.2 Be honest and act beyond suspicion of dishonesty.
 - 1.1.3 Maintain high standards of integrity and conduct to protect LPC image and reputation with the public.
- 1.2 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct or underperformance.
- 1.3 This policy applies to all employees of LPC.
- 1.4 This policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2 GENERAL PRINCIPLES

- 2.1 Wherever possible LPC will try to resolve its concerns about employees’ behaviour informally, without starting the formal procedure set out below.
- 2.2 The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:
 - 2.2.1 Unsatisfactory time keeping.
 - 2.2.2 Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
 - 2.2.3 Failure to comply with rules and regulations applicable to job requirements.
 - 2.2.4 Failure by an employee to perform the duties and responsibilities of their post to the standard expected by LPC.
 - 2.2.5 Insubordination.
 - 2.2.6 misuse of LPC’s resources and facilities including telephone, email and internet.
 - 2.2.7 inappropriate behaviour.
 - 2.2.8 breach of health and safety rules and regulations.
 - 2.2.9 failure to comply with LPC’s policies.
- 2.3 The following list provides examples of conduct that will normally be regarded by LPC as Gross Misconduct. This list is not exhaustive. These are examples only:
 - 2.3.1 Refusal or repeated failure by an employee to carry out their duties.
 - 2.3.2 Falsification of documents or information (including expense claims).
 - 2.3.3 Unauthorised disclosure of confidential information.
 - 2.3.4 Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of LPC.
 - 2.3.5 Insulting, indecent or offensive behaviour towards a fellow employee or any other

- person whilst acting or purporting to act on behalf of LPC.
- 2.3.6 Serious or repeated harassment (including sexual, racial and religious harassment).
- 2.3.7 Incapacity at work due to the influence of alcohol, unlicensed drugs or any other substance.
- 2.3.8 Wilful damage to LPC property.
- 2.3.9 Theft, unauthorised use or possession of LPC property or theft of the property of a fellow employee.
- 2.3.10 Conduct bringing LPC into disrepute including use of social media.
- 2.3.11 gross negligence.
- 2.3.12 serious breaches of health and safety rules and regulations.
- 2.3.13 use of LPC internet or email to access pornographic, obscene or offensive material
- 2.3.14 disclosure of confidential information.
- 2.3.15 Any other conduct that from time to time is defined by LPC as amounting to gross misconduct.

3 INFORMAL ACTION

- 3.1 In cases of minor misconduct or underperformance managers will deal with matters informally by discussing the issues with the employee and encouraging them to achieve the required standards. This will involve setting clearly defined objectives and/or standards, monitoring them over a reasonable time period and providing training and appropriate support. Such actions are not part of a formal disciplinary process.

4 STANDARD COUNCIL DISCIPLINARY PROCEDURE

- 4.1 In the case of serious misconduct, or continued minor misconduct, or underperformance, LPC may deem it necessary to consider a formal disciplinary sanction. The following formal disciplinary procedure will be followed.
 - 4.1.1 LPC will investigate any alleged misconduct or underperformance and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
 - 4.1.2 Following the investigation, LPC will write to the employee inviting them to attend a disciplinary hearing to discuss the matter. LPC will set out in writing the allegations of misconduct, under performance concerns, or other circumstances which lead it to contemplate taking disciplinary action against the employee. The employee will be warned if the disciplinary action might amount to dismissal.
 - 4.1.3 The employee will be provided with any relevant supporting evidence and a copy of this disciplinary policy. The letter will also advise the employee of their right to be accompanied at the hearing by a workplace colleague or trade union official who is permitted to address such meeting to put the employee's case and confer with the employee but is not permitted to answer questions put to the employee or prevent the employee from explaining their case.
 - 4.1.4 Recordings of the proceedings at any stage of the disciplinary procedure are prohibited unless agreed as a reasonable adjustment that takes account of an employee's medical condition
 - 4.1.5 The employee will be provided with a reasonable opportunity to consider their response to the information provided in the letter before attending the meeting. The employee must take all reasonable steps to attend the meeting.
 - 4.1.6 Disciplinary meetings will normally be convened within 5 working days of LPC sending the employee the letter.
 - 4.1.7 If the time or date proposed for the meeting is inconvenient (either for the employee or for the employee's companion should they wish to be accompanied to the meeting) the employee may ask to postpone the meeting by up to 5 working days. If the employee fails to attend on this second date then the hearing may proceed in their absence, or it may be postponed again should there be reasonable cause.
 - 4.1.8 The employee will have the opportunity to state their case at the disciplinary

hearing. The Chairman of the meeting may adjourn the hearing to allow matters raised during the course of the meeting to be investigated. The employee will be informed of the period of any adjournment.

- 4.1.9 After the meeting LPC will inform the employee of its decision and any applicable sanction in writing within 5 working days unless additional investigation is required. LPC will inform the employee of their right to appeal. The employee will be provided with the written minutes of the disciplinary meeting as soon as practicable.

4.2 **Appeal Procedure**

- 4.2.1 If the employee wishes to appeal against the decision they must notify LPC in writing within 5 days of receiving written notice of the decision.
- 4.2.2 If the employee notifies LPC that they wish to appeal, the employee will be invited to attend a disciplinary appeal meeting and informed of their right to be accompanied at the appeal meeting by a fellow employee or representative of a trade union who is permitted to address such meeting to put the employee's case and confer with the employee but is not permitted to answer questions put to the employee or prevent the employee from explaining their case.
- 4.2.3 The employee will be informed that they must set out full grounds for appeal in writing to LPC prior to the meeting.
- 4.2.4 The employee must take all reasonable steps to attend that disciplinary appeal meeting.
- 4.2.5 A disciplinary appeal meeting will normally be convened within 7 working days of LPC receiving notification that the employee wishes to appeal. If the meeting date is inconvenient for the employee or the employee's companion the employee may ask to postpone the meeting by up to 5 working days.
- 4.2.6 At the meeting any new evidence that the employee wishes to put forward will be considered together with any new evidence from LPC. The original disciplinary penalty will be reviewed but the sanction originally imposed will not be increased upon appeal. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated. The employee will be informed of the period of any adjournment.
- 4.2.7 After the disciplinary appeal meeting LPC will inform the employee of its final decision in writing within 5 working days.
- 4.2.8 If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated, will be paid in full for the period from the date of dismissal and continuity of employment will be preserved.
- 4.2.9 Any changes to specified time limits in this procedure must be agreed by the employee and LPC.

4.3 **Accusations of Gross Misconduct**

- 4.3.1 If an employee is accused of any Gross Misconduct the employee may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s) and the holding of a disciplinary hearing.
- 4.3.2 LPC will write to the employee to confirm the suspension and the reason for the suspension and will keep the employee informed of any significant changes or events in the workplace that may affect the employee.
- 4.3.3 During the time that the employee is suspended they should remain away from the workplace and should not contact colleagues or Councillors without prior permission.
- 4.3.4 LPC may require the employee to attend a meeting to investigate the circumstance of the alleged offence whilst suspended from work.
- 4.3.5 The employee will be informed in writing of the outcome of the investigation and whether a disciplinary hearing will be convened to consider the allegation. The employee will remain suspended from work until the completion of any disciplinary hearing.

4.4 **Grievances**

If an employee who is subject to a disciplinary process raises a grievance, the disciplinary procedure may be temporarily suspended in order to deal with the grievance. If the issue relates to both then the procedures may be dealt with concurrently. If the grievance is unrelated to the subject of the disciplinary procedure then the grievance will be dealt with after the completion of the disciplinary procedure.

5 FORMAL DISCIPLINARY SANCTIONS FOLLOWING DISCIPLINARY HEARING

5.1 **Verbal Warnings**

- 5.1.1 Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning they will be warned of the likely consequences of any further disciplinary offences or a failure to improve their conduct to the satisfaction of LPC. A note confirming the Verbal Warning will be placed on the employees personnel file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for 6 months.
- 5.1.2 The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

5.2 **Stage 1 – First Written Warning for Misconduct**

- 5.2.1 In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will be issued by the Chairman of LPC Council and will set out:
 - 5.2.1.1 the nature of the offence and the improvement required (if appropriate) and over what period;
 - 5.2.1.2 the likely consequences of any further offence or failure by the employee to improve their conduct to an acceptable standard;
 - 5.2.1.3 that further offences will result in more serious disciplinary action; and
 - 5.2.1.4 the employee's right of appeal.
- 5.2.2 A First Written Warning will normally remain in force for 6 months.
- 5.2.3 The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

5.3 **Stage 1 – First Written Warning for Unsatisfactory Performance**

- 5.3.1 In the case of a problem of continued underperformance then the employee will be given a First Written Warning of the need to improve performance. A First Written Warning will be issued by the Chairman of LPC and will set out:
 - 5.3.1.1 the precise nature of the problem of performance and the improvement required and the timescale for improvement, together with review dates.
 - 5.3.1.2 the likely consequences of failure by the employee to improve their performance to an acceptable standard.
 - 5.3.1.3 that failure to improve will result in more serious disciplinary action.
 - 5.3.1.4 the employee's right of appeal.
- 5.3.2 A First Written Warning of need to improve performance will normally remain in force for 6 months.

5.4 **Stage 2 – Final Written Warning**

- 5.4.1 If performance does not improve, or if further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning following the disciplinary hearing. A Final Written Warning will be issued by the Chairman of LPC and will set out:
 - 5.4.1.1 the nature of the offence and the improvement required (if appropriate)

- and over what period;
- 5.4.1.2 the likely consequences of any further offence or a failure by the employee to improve their conduct to an acceptable standard;
- 5.4.1.3 that further offences will result in more serious disciplinary action up to and including dismissal; and
- 5.4.1.4 the employee's right of appeal.
- 5.4.2 Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.
- 5.4.3 A Final Written Warning will normally remain in force for 12 months.

5.5 Stage 3 – Dismissal

- 5.5.1 If there is insufficient improvement after the period notified in Stage 2 the employee will be dismissed with the appropriate notice following the disciplinary hearing.
- 5.5.2 A letter will be sent to the employee detailing the reasons for the dismissal, the date on which their employment will terminate and the arrangements for the notice period. The letter will detail the employee's right of appeal.

6 FORMAL DISCIPLINARY SANCTIONS FOR GROSS MISCONDUCT

- 6.1 If the Council finds the employee to be guilty of gross misconduct their employment will be terminated summarily without notice or pay in lieu of notice following the investigation and the disciplinary hearing.
- 6.2 A letter will be sent to the employee by the Chairman of LPC following the dismissal detailing the reasons for the dismissal and the date on which the employment terminated. The letter will inform the employee of their right to appeal.

7 MISCELLANEOUS

- 7.1 This document does not form part of the contract of employment.
- 7.2 Information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process and members of the LPC Staff Committee. A record of the reason for disciplinary action and the action taken by LPC is confidential to the employee. The employee's disciplinary records will be held by LPC in accordance with the relevant data protection legislation.
- 7.3 If LPC decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 7.4 LPC will comply with the Procedure for Dealing with Disciplinary Issues as set out in the Appendix hereto.

8 REVIEWS

- 8.1 This policy will be reviewed three years from the date of adoption by LPC.

Adopted by LPC on 7th October 2019.

To be reviewed in 2022.

APPENDIX
PROCEDURE FOR DEALING WITH DISCIPLINARY ISSUES

1. Liss Parish Council (“LPC”) will be governed by the Disciplinary Policy as provided to employees. The following sets down the procedures to carry out the Disciplinary Policy on behalf of LPC.
2. The Clerk will normally be responsible for the management of LPC’s staff but if appropriate may delegate the management of particular staff to the Assistant Clerk.
3. The Clerk is responsible for supervising the day to day work of LPC’s staff and dealing with any problems arising including identifying training needs to ensure that staff are properly equipped to do their job.
4. In the event of any problems or potential problems with performance or misconduct the problem will be initially dealt with informally by the Clerk/Assistant Clerk as line manager.. These problems will not normally be reported to the Staff Committee although they may form part of the normal annual staff appraisal.
5. Where any Councillor believes that there are issues of performance or conduct that need to be raised with a member of staff they should raise these issues with the employee’s line manager, normally the Clerk or Assistant Clerk, or with the Chairman of the Council.
6. No Councillor should raise such issues directly with the member of staff without authorisation.
7. Where the Clerk believes there is a need for formal disciplinary action the Clerk should report the problem that needs addressing to the Chairman of the Staff Committee, or the Vice Chairman in their absence, with the Clerk’s recommendation for disciplinary action.
8. If the disciplinary problem is so serious as to potentially constitute gross misconduct and could lead to summary dismissal the Clerk should consider whether the employee should be immediately suspended pending investigation and disciplinary proceedings.
9. Normally the Clerk should agree the need for immediate suspension with the Chairman or the Vice Chairman of the Staff Committee before taking action to suspend the employee, but in their absence may take such immediate action as the Clerk deems necessary.
10. In the event of allegations of misconduct the Clerk will carry out an initial investigation.
11. If the Clerk considers that formal disciplinary action is necessary on any issue of performance or conduct the Clerk shall ask the Chairman of the Staff Committee to appoint a member of the Staff Committee to Chair a disciplinary meeting with the employee. The Clerk will write to the employee inviting them to attend a disciplinary hearing to discuss the matter. This meeting will normally take place within five working days of the letter asking the employee to attend and will include the Clerk/Assistant Clerk. The Clerk shall arrange for formal minutes of the meeting to be taken.
12. In the case of an allegation of serious misconduct or other problem which may lead to dismissal the Chairman of the Staff Committee may appoint an additional Councillor to attend the disciplinary meeting.
13. After the completion of the disciplinary meeting the Chairman of the disciplinary meeting will determine whether formal disciplinary action is merited and what action is appropriate. This will be done after consultation with the others appointed to hear the disciplinary complaint and according to the LPC’s Disciplinary Policy.

14. The Clerk will write to the employee with LPC's decision on the disciplinary as soon as practicable and within five working days of the meeting. In this letter the Clerk will inform the employee of their right to appeal LPC's decision and ask the employee to provide written details of the reason for the appeal if an appeal is requested. The letter should enclose a copy of the minutes of the disciplinary meeting.
15. If the employee appeals LPC's decision then the Chairman/or Vice Chairman of the Staff Committee shall convene a meeting to hear the appeal and shall Chair the appeal meeting. The Chairman of the appeal meeting must not have been previously involved in the Disciplinary proceedings.
16. The Chairman of the appeal meeting shall commission any further investigations as appear necessary given the grounds for appeal. These investigations should normally be undertaken by the Clerk unless the Chairman deems this inappropriate.
17. The Chairman should appoint two other Councillors who have not previously been involved in the disciplinary procedures to be part of the appeal meeting. The appeal meeting shall take place as soon as practicable (normally within seven working days). A formal record of the meeting will be taken.
18. After the completion of the appeal meeting the Chairman of the Appeal meeting will determine whether or not to accept the appeal. This will be done after consultation with the others appointed to hear the disciplinary appeal and according to LPC's disciplinary policy. In no circumstances will the penalty for the disciplinary issue be increased after the Appeal meeting.
19. The Clerk will write to the employee with LPC's decision on the appeal as soon as practicable and normally within five working days. The letter should enclose a copy of the minutes of the appeal meeting.
20. The Chairman of the Appeal meeting shall inform the full Council of appropriate details of the Appeal meeting and its outcome.
21. A Councillor who is directly involved with the disciplinary complaint either through having raised the issue or being personally affected by the complaint shall not take any part in the disciplinary procedure other than to provide evidence to the investigating officer.

Disciplinary action against the Clerk or Assistant Clerk

22. In the event of allegations of misconduct against the Clerk or Assistant Clerk the following differences to the procedure will be followed:-
 - 22.1. The Chairman and Vice Chairman of the Staff Committee shall appoint a suitable person with no personal involvement in the matter to investigate the allegations.
 - 22.2. If the disciplinary problem is so serious as to potentially constitute gross misconduct and could lead to summary dismissal the Chairman/Vice Chairman should consider whether the employee should be immediately suspended pending investigation and disciplinary proceedings.
 - 22.3. Normally the Chairman/Vice Chairman of Staff Committee should agree between them the need for immediate suspension before taking action to suspend the employee, but in either's absence the Chairman/Vice Chairman may take such immediate action as he deems necessary.
 - 22.4. The Chairman/Vice Chairman of Staff Committee shall inform all Councillors immediately on a confidential basis that the employee has been suspended pending investigation of a disciplinary allegation and shall report progress to the next Council.

- 22.5. The Councillor appointed to investigate the allegations shall hold a minuted investigatory meeting with the employee.
- 22.6. If the Councillor's investigation finds that the allegations should lead to a disciplinary hearing. The Chairman or in his absence the Vice Chairman shall convene the disciplinary meeting. They shall chair the disciplinary meeting and arrange for it to be minuted. The investigating Councillor shall be appointed to attend the disciplinary meeting and the Chairman of the meeting may appoint a further Councillor to the meeting should they deem it appropriate.
- 22.7. The time limits for the disciplinary meeting and appeal meeting shall apply to any disciplinary procedure involving the Clerk or Assistant Clerk.